



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2022

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P. No. 3568 of 2022

and

W.M.P. Nos. 3694 and 3695 of 2022

P.Ramasamy

...Petitioner

-Vs-

1 The District Collector
No. 62 Rajaji Salai, 4th Floor,
Singavelar Maligai, Chennai-600 001.

2 The District Revenue Officer
No. 62 Rajaji Salai, 4th Floor,
Singavelar Maligai, Chennai-600 001.

3 The Revenue Divisional Officer,
Chennai Central Division,
Annanagar (W)Extn. Chennai-600 101.

4 The Tahsildar
Ambattur Taluk, Ambattur, Chennai-600 053.

5 N.Ponsingh

6 V.M.Chacko

7 N.Shanmugam

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, for issuance of Writs of Certiorarified Mandamus, calling for the records of the 3rd respondent in respect of impugned order dated 31.01.2022 in R.C. No. 969/2021/A1 and quash the same and consequently direct the 2nd respondent herein to conduct an enquiry in respect of petitioner earlier representation dated 06.11.2014 and the 4th respondents report dated 18/09/2018 and annul/cancel the pattas issued to the 5th respondent and others and restore the original entry as Villagers in the land Register/Revenue records in respect of land to an extent 1990 Sq.mts comprised in Survey Nos. 1177/1



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part 1176/2 part of Korattur Village registered in the Town Survey Register as TS No.62 Block No.80 Ambattur Town and Taluk Chennai District.

For petitioner : Mr. V.Chandraprabu
For Respondents: Mr. G.Nanmaran
Special Government Pleader

O R D E R

This petition has been filed seeking to quash the order of the 3rd respondent dated 31.01.2022 in R.C. No. 969/2021/A1 and to direct the 2nd respondent herein to conduct an enquiry in respect of petitioners earlier representation dated 06.11.2014 and the 4th respondents report dated 18/09/2018 and annul/cancel the pattas issued to the 5th respondent and others and restore the original entry as Villagers in the land Register/Revenue records in respect of land to an extent 1990 Sq.mts comprised in Survey No. 1177/1 part 1176/2 part of Korattur Village registered in the Town Survey Register as TS No.62 Block No.80 Ambattur Town and Taluk Chennai District.

2. The case of the petitioner is that he is running a painting shop in the government lease land in S.No.320/2C and 320/2B in Padi Village, Ambattur Taluk. The 6th respondent, who is the neighbour of the petitioner and also in occupation of government lease land comprised in S.No.1177/1A part of Korattur Village. The said 6th respondent has fabricated the documents in respect of the government land in favour of him and his brother and subsequently, he obtained patta in his favour vide patta No.6113. On the strength of the said bogus patta, the 6th respondent sold the land to the 5th respondent. Pursuant to which, the 5th respondent obtained patta in his favour during the year 2003 and 2013. In the revenue record, it shows that the land in S.No.1177/1 part, which was bought by the 5th respondent, belongs to Villagers which means the said land is a Government land and no individual can claim any patta in their favour.

3. In the meanwhile, the petitioner made a representation dated 06.11.2014 to the respondents for cancellation of patta, which stands in the name of the 5th respondent and restore the same in the revenue record as villagers. Since no action had been taken, the petitioner had earlier filed a writ petition in W.P.no.17590 of 2016 before this court. This Court by an order dated 01.06.2016, directed the 3rd respondent herein to conduct enquiry and dispose of the representation of the petitioner within stipulated time.



Pursuant to which, the Tahsildar conducted enquiry and forwarded the report to the 3rd Respondent stating that the the aforesaid disputed land is shown as government land. The respondents 5 & 6 are having bogus patta and same have to be cancelled. Without considering the report, the present impugned order has been passed by the 3rd Respondent /RDO. Challenging the same, the present writ petition has been filed before this Court seeking appropriate remedy.

4. The learned counsel for the petitioner submitted that the 3rd Respondent /RDO, without hearing the petitioner, passed an impugned order, which is clear case of violation. The Tahsildar has filed a report dated 18.09.2018 wherein it has been clearly stated that the 5th and 6th respondents are not owners of the property bearing S.No.1177/1 Part and at present, the patta stands in the name of the 5th respondent has to be cancelled. Without considering the entire facts, the RDO has passed the impugned order. From the report of the Tahsildar, it is clearly evident that the respondents 5 & 6 have created bogus documents and obtained patta in their favour. Hence, the learned counsel seeks to quash the impugned order and to cancel the patta in favour of the fifth respondent.

5. Heard the learned counsel for the petitioner as well as the learned Special Government Pleader appearing on behalf of the respondents 1 to 4 and perused the materials available on record.

6. On perusal of the impugned order, the RDO has clearly stated that section 145 proceedings have been initiated with regard the disputed land. The RDO, in his 145 proceedings dated 21.09.2017 have already stated that S.No.1177/1A part belongs to the 5th respondent and S.No.320/2 belongs to the Government and thus, the petitioner has no right in the above said survey numbers. Admittedly, there was an adverse order passed against the petitioner on 21.09.2017 by the RDO. Without challenging the said order, the petitioner filed a present writ petition challenging the present impugned order, which is passed against the 7th respondent. Since the petitioner is not aggrieved party and without challenging the earlier impugned order, filing the present writ petition, which is not sustainable one. Hence, the prayer sought for in the present writ petition cannot be granted.



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7. In the result, the Writ Petition is dismissed.
No costs. Consequently, connected Miscellaneous Petitions are closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1 The District Collector
No. 62 Rajaji Salai, 4th Floor,
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 - 2 The District Revenue Officer
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 - 4 The Tahsildar
Ambattur Taluk, Ambattur, Chennai-600 053.
- +1 CC to The Special Government Pleader sr 12753.

W.P.No.3568 of 2022
and WMP.Nos.3694 & 3695 of 2022

SKM(CO)
SP(12/04/2022)