



WEB COPY



W.P.Nos.24559 to 24561 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2022

CORAM:

THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

W.P.Nos.24559 to 24561 of 2016

and

W.M.P.Nos.20950 to 20952 of 2016

Minor Udvaithaa Saai.V
Rep. by her natural guardian and mother
Padma Prashanthini.V ...Petitioner in W.P.No.24559 of 2016

Minor Dheeksheta Sai.V
Rep. by her natural guardian and mother
Padma Prashanthini.V ...Petitioner in W.P.No.24560 of 2016

M.Mangala Gowri ...Petitioner in W.P.No.24559 of 2016

Vs.

1. The Revenue Divisional Officer,
Chengalpattu Division,
VOC Nagar, Chengalpattu - 603 001,
Tamil Nadu.
2. The Tahsildhar,
Thirukazhukundram Taluk,
Taluk Office,
Thirukazhukundram - 603 109. ...Respondents in all



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PRAYER in W.P.Nos.24559 & 24560 of 2016: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to proceedings of the second respondent dated 08.07.2016, bearing proceedings No.Na.Ka.2726/2015/B2 (“Impugned Order”) and quash the same and forbear the respondents, their men, agents officers or any person/s claiming and/or acting under them, from in any manner interfering with the petitioners' peaceful possession and enjoyment of and from in any manner interfering with the right of the petitioners either by entering or by allotting to third parties petitioners' lands admeasuring an extent of 0.25 Acres or 10900 square feet, comprised in Survey No.144/7 measuring 0.83 Acres or thereabouts, situate at No.81, Nallathur Village, Thirukazhukundram Taluk, Kanchipuram District, within the Sub-Registration District of Thirukazhukundram, and Registration District of Chengalpattu which absolutely belongs to the petitioners and pay appropriate compensation for damage of the aforesaid lands.

PRAYER in W.P.No.24561 of 2016: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to proceedings of the second respondent dated 08.07.2016, bearing proceedings No.Na.Ka.2726/2015/B2 (“Impugned Order”) and quash the same and forbear the respondents, their men, agents officers or any person/s claiming and/or acting under them, from in any manner interfering with the petitioner's peaceful possession and enjoyment of and from in any manner interfering with the right of the petitioner either by entering or by allotting to third parties petitioner's lands admeasuring an extent of 0.33 Acres or thereabouts, comprised in Survey No.144/7 measuring 0.83 Acres or thereabouts, situate at No.81, Nallathur Village, Thirukazhukundram Taluk, Kanchipuram District, within the Sub-Registration District of Thirukazhukundram, and Registration District of Chengalpattu ("Subject Lands") which absolutely belongs to the petitioner, and pay appropriate compensation for damage of the aforesaid lands.



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In all W.P's:-

WEB COPY For Petitioners : Mr.Suraj Govindaraj

For Respondents : Mr.R.P.Murugan Raja, GA

COMMON ORDER

Since the issue involved in all these Writ petitions are similar in nature, they are disposed of by way of this common order.

2. The petitioners have filed these Writ petitions seeking issuance of a Writ of Certiorarified Mandamus to call for the records of the second respondent in respect of the proceedings bearing No.Na.Ka.2726/2015/B2 dated 08.07.2016, quash the same and to consequently, forbear the respondents or any persons from in any manner interfering with the petitioners' peaceful possession and enjoyment of the subject land and also to pay the petitioners with appropriate compensation for the damages caused in the aforesaid land.

3. The petitioners in W.P.Nos.24559 & 24560 of 2016 (hereinafter referred as 1st and 2nd petitioner respectively), are sisters and they are represented by their mother namely Padma Prashanthini and the petitioner in W.P.No.24561 of 2022 (hereinafter referred as the 3rd petitioner), is none



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other than the maternal grandmother of the 1st and 2nd petitioners. The case of the petitioners is that, the land comprised in S.No.144/7, measuring an extent of 0.98 Acre, situated at Nallathur Village, Kanchipuram District originally belonged to one Manickaraj Mudaliar and his sons. Thereafter, the said property was allotted in favour of one Sabanayaga Mudaliar and Nataraja Mudaliar, sons of the said Manickaraj Mudaliar, through the partition entered into between the said Manickaraj Mudaliar and his sons, vide Partition deed Doc.No.1863/1932 dated 01.12.1932 and pursuant to the same, the revenue records in respect of the said property comprised in S.No.144/7 were mutated in favour of the said Sabanayaga Mudaliar and Nataraja Mudaliar. Thereafter, the 3rd petitioner purchased the above said property to an extent of 0.83 acre (hereinafter referred as subject property) from one Sundaramurthy Mudaliar and Susila Ammal, who are the legal heirs of the said Nataraja Mudaliar, vide sale deed Doc.No.2719/2004 dated 02.09.2004, as both Sabanayaga Mudaliar and Nataraja Mudaliar died intestate, and the Sabanayaga Mudaliar died intestate issueless. Thereafter, out of love and affection, the 3rd respondent settled an extent of 0.50 acre in the above said property in favour of the 1st and 2nd petitioner, 0.25 acre



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each, vide separate settlement deeds bearing Doc.Nos.4479 & 4480 of 2015 respectively, both dated 15.07.2015 and retained 0.33 acre in the above said land in her name. Pursuant to the said settlement, the petitioners herein are in absolute possession and enjoyment of their respective shares in the subject property and they are carrying out cultivation in the said property. While so, the officials of the respondents visited the subject property and informed the petitioners that the subject land is intended to be allotted in favour of the landless poor. Immediately, the petitioners made an objection/representation dated 04.03.2016 before the respondents, seeking not to allot the said property in favour of some encroachers, despite which, the respondents are taking steps to dispossess the petitioners from the said property.

4. Aggrieved by the action of the respondents, the petitioners filed Writ petitions in W.P.Nos.9230 to 9232 of 2016 and initially a order of Status quo has been granted on 11.03.2016, and subsequently the said Writ petitions were disposed of on 09.06.2016, directing the respondents to pass orders on the representation dated 04.03.2016 with a further direction to maintain the status-quo till the disposal of the said representation. In compliance of the order of this Court, though the respondents conducted enquiry, however, no



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order was served on the petitioners. While so, on 09.07.2016, the respondents entered into the subject land and damaged the crops cultivated in the said land. Aggrieved by the said action of the respondents, the petitioners filed Writ petitions in W.P.Nos.24062 to 24064 of 2016 and this Court, vide order dated 12.07.2016 made in WMP.Nos. 20584 to 20586 of 2016 in W.P.Nos.24062 to 24064 of 2016, granted interim order of status-quo as on 11.03.2016. While such being the same, the petitioners were served with the present impugned order dated 08.07.2016, passed by the 2nd respondent bearing proceeding No.Na.Ka. 2726/2015/B2, rejecting the petitioners' claim, only on 12.07.2016. Hence, challenging the said order dated 08.07.2016, these Writ petitions have been filed.

5. Learned counsel for the petitioners submitted that the petitioners herein are the owners of the subject land and they are in possession and enjoyment of the same, while so, merely based on the wrong classification made in respect of the subject property, disturbing the petitioners from enjoying the subject property and trying to forcibly evict the petitioners from the same is not sustainable. Further, any land can either be classified as Grama natham or Government Poromboke, however, the disputed land is



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classified as Government Poromboke (Grama natham), which is not a proper classification. He further submitted that, the petitioners are doing cultivation in the said land and the petitioners are in possession of valid title over the subject property and till date, they are in enjoyment of the said land, while so, the respondents, with an ill motive are making multiple attempts to evict the petitioners and are continuously disturbing the petitioners' possession over the said property, which is unsustainable and the same is impermissible. Hence, he prayed for allowing these Writ petitions.

6. Learned Government Advocate appearing for the respondents submitted that, though the petitioners claim that they are the owners of the subject land, only a portion of the subject property is classified as Grama natham and other portion is classified as Government Poromboke and the same is elaborately discussed in the impugned order, however, no sufficient documents were submitted by the petitioners to substantiate their claim and if at all the petitioners claim title over the subject property, they have to approach the competent civil court to establish their title. He further submitted that, though the petitioners claim that the subject land is owned by them for the past several years and they are doing agriculture in the said land,



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however, the disputed land is classified as Grama natham, which is a dwelling unit that belongs to the Government and the same cannot be utilized by the petitioners for agricultural purposes. Further, if at all the petitioners are aggrieved by the order impugned in this Writ petition, there is an effective appeal remedy available for the petitioners before the Appellate Authority / Jurisdictional Revenue Divisional Officer, while so, without exhausting the said appeal remedy, straight away filing these Writ petitions, challenging the order passed by the Tahsildar is not sustainable. However, he fairly submitted that the petitioners possession will not be disturbed without following due process of law. Hence, he prayed for dismissal of these Writ petitions.

7. Heard learned counsel on either side and perused the materials available on records.

8. A perusal of the materials available on record, particularly the order impugned in these petitions reveal that, the land in S.No.144/7 is a land with a vast extent and the petitioners claim right over only 0.83 acre in the said land and according to the Survey Land Records, the above said land measures 0.97 acre with a classification Government Poromboke Grama natham and it is evident from the 'A' register that S.No.144/7 to an extent of 0.39.5 ares is



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classified as Grama natham and according to the Natham UDR, the said land comprised in S.No.144/7, measuring an extent of 03450 square meter is classified as Government Poromboke Gaali manai and S.No.144/12 is classified as Government Poromboke and an extent of 00500 square meter it is Co-operative society. The revenue records like 'A' register does not stand in the name of the petitioners. Further, as rightly stated by the 2nd respondent, the lands with a classification of Grama natham are only meant for residential purposes and the same cannot be utilized for agricultural purposes.

9. Hence, this Court is of the view that the present impugned order cannot be found fault with and if at all the petitioners have any grievances with regard to the title over the subject property, they have to establish the same before the trial Court and the title dispute can neither be entertained by this Court under Article 226 of the Constitution nor by the revenue officials. Hence, the petitioners are at liberty to workout the remedy before the trial court by filing appropriate suit and canvass all their grievances with regard to the title over the subject property.



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10. For the reasons aforesaid, these Writ petitions are dismissed. No costs. Consequently, connected Miscellaneous petitions are closed.

16.08.2022

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Index : Yes/No
Speaking order : Yes/No

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