



WEB COPY



W.P. No.38954 of 2016

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 11.10.2022**

**CORAM :**

**THE HONOURABLE MR. JUSTICE M. DHANDAPANI**

W.P. No. 38954 of 2016  
and WMP. No. 33361 of 2016

1. Rajalakshmi

2. Durga Bai

3. Vasanthi

... Petitioners

Vs.

1. The District Collector  
Kancheepuram District,  
District Collectorate, Kancheepuram.

2. The Addl. District Magistrate  
cum DRO, Kancheepuram District,  
Kancheepuram-631 501.

3. The Revenue Divisional Officer,  
Tambaram, Kancheepuram District.

4. The Tahsildhar,  
Alandur Taluk, Kancheepuram District.

... Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari Mandamus Calling for the records in respect of the 3rd respondent vide his proceedings bearing Na.Ka.No. 649/2013/A, dated 09.10.2013 consequential proceedings bearing Na.Ka. 11406/2015/No.3, dated 09.07.2016 of the 3rd respondent and quash the same and consequently, direct the 4th respondent to correct the revenue



W.P. No.38954 of 2016

records and issue ryoti patta to the petitioners in respect of their property situated at Hasthinapuram Village, Saidapet Taluk (Now Tambaram Taluk), Kancheepuram District comprised in Survey No. 55/9 A, 55/9 B & 55/9 C.

For Petitioner : Mr. G.Rajkumar

For Respondents : Mr.U.Bharanidharan, AGP

### **ORDER**

The writ petition has been filed to quash the order of the 3rd respondent vide his proceedings dated 09.10.2013 and 09.07.2016 and consequently, direct the 4th respondent to correct the revenue records and issue ryot patta to the petitioners in respect of their property situated at Hasthinapuram Village, Saidapet Taluk (Now Tambaram Taluk), Kancheepuram District comprised in Survey No. 55/9 A, 55/9 B & 55/9 C.

2. It is the case of the petitioner that the petitioner is the owner of the land in S.No.55/9 A, 55/9 B & 55/9 C situated at Hasthinapuram Village which is originally ryot lands. During settlement, the said land was treated as Tank bed poromboke. The Board of Revenue set aside the same on 13.05.1971 and the Assistant Settlement Officer, Chengalpattu allowed the ryothwari patta in favour of the petitioner's vendor. The petitioner purchased the said land on 30.03.1990 and the patta was also granted in favour of the petitioners after sub division. The taluk office alone did not carry out the



W.P. No.38954 of 2016

changes. On 19.05.1992, a notice under Section 9(1) and 9(4) of the Tamil Nadu Urban Land Tax Act 1978 was issued and thereafter, the petitioner submitted their objection and the petitioners were called for an enquiry on 15.03.1994 and subsequently, dropped the all further actions proposed as per the notice. Therefore, the petitioners made representation to the revenue authorities to make necessary changes in the taluk records and the same was not considered till date and hence, the petitioners filed a writ petition before this Court in W.P.No.32498 of 2012 and this Court was pleased to pass orders on 06.12.2012. Pursuant to which, the 3<sup>rd</sup> respondent enquired the matter and rejected the claim made by the petitioners vide proceedings dated 06.12.2012. Aggrieved over the said order, the petitioners preferred an appeal to the second respondent herein. The second respondent has also rejected the petitioners appeal vide his proceedings dated 09.07.2016 stating that water bodies need to be protected. Challenging the said order, the present writ petition has been filed.

3. The learned counsel for the petitioners submitted that this Court may grant liberty to the petitioners to file an appropriate suit before the competent Civil Court.



W.P. No.38954 of 2016

WEB COPY 4. Heard the learned counsel on either side and perused the materials available on record.

5. On perusal of the affidavit as well as the impugned orders, it is made clear that the claim made by the petitioners is disputed question of facts, which cannot be decided by this Court as well as the revenue officials and the same has to be decided only by the competent civil forum. When the matter is taken up for hearing, the learned counsel has also seeks liberty to approach the competent civil Court in respect of the subject property.

Considering the facts and circumstances of the case and the limited relief sought for by the petitioners, this Court, without rendering any opinion on the merits of the case, permits them to file a suit before the competent Civil Court for getting appropriate remedy within a period of four weeks from the date of receipt of a copy of this order.

7. With the aforesaid direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.



W.P. No.38954 of 2016

**11.10.2022**

**Index** : Yes / No

Speaking order : Yes / No

To

1. The District Collector  
Kancheepuram District,  
District Collectorate, Kancheepuram.
2. The Addl. District Magistrate  
cum DRO, Kancheepuram District,  
Kancheepuram-631 501.
3. The Revenue Divisional Officer,  
Tambaram, Kancheepuram District.
4. The Tahsildhar,  
Alandur Taluk, Kancheepuram District.



WEB COPY



W.P. No.38954 of 2016

**M.DHANDAPANI, J.**  
rli

W.P. No. 38954 of 2016

11.10.2022