



WEB COPY



W.P.No.40759 of 20--

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.11.2022

Coram

The Honourable Mr.Justice M.DHANDAPANI

**W.P.No.40759 of 2016
and W.M.P.Nos.34731 & 34732 of 2016
and W.M.P.No.25686 of 2017**

Mrs.Hamsaveni

...Petitioner

Versus

- 1.The District Collector,
Thiruvallur District.
- 2.The Assistant Commissioner of Police,
Thiruvallur District.
- 3.The District Revenue Officer,
Thiruvallur District.
- 4.The Tahsildar,
Ambattur, Chennai.
- 5.The Tahsildar,
Saidapet, Chennai.
- 6.The Tahsildar,
Egmore – Nungambakkam Taluk,
Chennai – 600 031.
- 7.D.Geetha
- 8.Rani



W.P.No.40759 of 20--

9.M.Saraswathi

10.R.Parthiban

11.R.Venkatesan

12.T.Dhanalakshmi

13.Vairamani

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the entire records, leading to impugned order made in Na.Ka.No.8968/2012/C3 dated 16.03.2013 on the file of the fourth respondent in respect of Old S.No.777, Ward E, Block-11, T.S.No.116 – 117, situated in Korattur Village, Ambattur Taluk, Thiruvallur District and quash the same and directing the fourth respondent to cancel the SLR/Patta in RPT Nos.12783/2009, 4291/2009, 7906/2009, 1426/2010 and 6392/2012 issued in the name of respondents 7 to 13 and delete the names of deceased Arumugam, Dhanapathy, Raghupathy and respondents 7 to 13 from the revenue records and consequently, directing the fourth respondent to issue a patta in the name of the petitioner.

For Petitioner : Mr.N.Naganathan

For Respondents – 1 to 6 : Mr.T.K.Saravanan,
Government Advocate

For Respondents – 7 to 9 & 11 : Mr.B.Deepak Narayanan

For Respondent – 10 : Mr.R.Karunagaran



ORDER

WEB COPY The relief sought in this writ petition is to call for the entire records pertaining to the order in Na.Ka.No.8968/2012/C3 dated 16.03.2013 on the file of the fourth respondent in respect of Old S.No.777, Ward E, Block-11, T.S.No.116 – 117, situated in Korattur Village, Ambattur Taluk, Thiruvallur District and quash the same and directing the fourth respondent to cancel the SLR/Patta in RPT Nos.12783/2009, 4291/2009, 7906/2009, 1426/2010 and 6392/2012 issued in the name of respondents 7 to 13 and delete the names of deceased Arumugam, Dhanapathy, Raghupathy and respondents 7 to 13 from the revenue records and consequently, to direct the fourth respondent to issue a patta in the name of the petitioner.

2. The case of the petitioner is that her father Mr.G.Bubathy is the absolute owner of the land measuring to an extent of 18,469 Sq.ft comprised in Old S.No.777, New T.S.No.113-118 situated at Korattur Village, Ambattur Taluk, Thiruvallur District. Her father had purchased the said land on 30.12.1965 and thereafter, he was in possession and enjoyment of the same. When the petitioner's father was alive, he had executed a Will in favour of her daughter/petitioner with regard to the aforesaid land. The said



WEB COPY

Will was registered as Document No.61 of 2005 dated 12.04.2005 on the file of Sub Registrar Office, Pallavaram. The petitioner's father died on 27.07.2008. After his demise, three brothers of petitioner's father viz., Dhanapathy, Raghupathy and Arumugam had created a fake document as if that they are the owners of the said land.

2.1. The said Dhanapathy died on 02.04.1997. When he was alive, he was a bachelor. After his demise, one Kamala and four persons viz., Shanthi, Lalitha, Geetha (seventh respondent) and Mala claimed that they are the wife and daughters of the deceased Dhanapathy. That apart, they obtained legal heir certificate to that effect from the fifth respondent. Without conducting proper enquiry, the fifth respondent also issued them the legal heir certificate. Based on the aforesaid fake certificate, the said Kamala executed a release deed in favour of the seventh respondent on 03.02.2010 and the same was registered as Document No.372 of 2010 on the file of Sub Registrar, Villivakkam. Pursuant to the alleged document, the seventh respondent sold the land measuring an extent of 608 Sq.ft out of 2,182 Sq.ft of land to one Murugan. On 23.04.2012, the fourth respondent issued SLR/patta RPT.No.6392/2012 to eighth respondent in respect of



S.No.777 part, as per SLR T.S.No.114.

WEB COPY

2.2. The said Raghupathy died on 13.05.1996. The respondents 8 to 12 claimed that they are the legal heirs of deceased Raghupathy. Further, based on the legal heir certificate which they obtained from the sixth respondent, they claimed that they are the owners of the subject land. The respondents 8 to 12 had illegally obtained separate 4 SLR viz., RPT No.1426/2010 for each person under one RPT number from the fourth respondent.

2.3. The said Arumugam died in the year 2009. When the said Arumugam was alive, he illegally obtained patta in RPT No.4291/2009 dated 04.03.2009 in respect of subject land in S.No.777 part, as per SLR T.S.No.117 from the fourth respondent. Thereafter, the said Arumugam sold the subject land in aforesaid survey number to the thirteenth respondent. The fourth respondent had issued patta to the thirteenth respondent under RPT No.7906/2009 dated 23.07.2009 in respect of the very same land.

2.4. Aggrieved over the above acts of the respondents, the petitioner's



WEB COPY

mother made an application dated 04.07.2011 to the sixth respondent, seeking to clarify the genuineness of the legal heir certificate in Nee.Mu.E4/1227/2009 dated 03.02.2009 issued by the sixth respondent in favour of the respondents 8 to 12. Pursuant to her application, the sixth respondent sent a communication dated 02.08.2011 to the petitioner's mother, stating that he did not give any legal heir certificate to the respondents 8 to 12 on 03.02.2009.

2.5. Similarly, on 04.07.2011, petitioner had sent a letter to the fourth respondent, seeking to clarify the SLR/patta obtained by the respondents 7 to 13, in response to which, the fourth respondent sent a letter in O.Mu.3698/2012/A1 dated 20.04.2012 to the petitioner, wherein, it is stated that the so called patta/SLR in RPT Nos.7906/2009, 4291/2009, 12783/2009 and 1426/2010 were fake patta/SLR and further, Town Survey Register has not been completed in respect of RPT No.12783/2009. Therefore, the petitioner and her husband gave a complaint to the Central Crime Branch (Land Grabbing Cell), Chennai against the respondents 8 to 13. Based on the said complaint, on 02.08.2012, First Information Report (FIR) was registered in Crime No.98/2012 under Section 447, 466, 467, 468



& 471 of IPC against the respondents 8 to 13 and two other persons viz.,
Sasikala & Jeyaraman.

WEB COPY

2.6. Subsequently, the Tahsildar, Ambattur had issued a Certificate in Na.Ka.8968/2012/C3 dated 16.03.2013 falsely stating that it is true that the alleged patta/SLR in RPT Nos.7906/2009, 4291/2009, 12783/2009 and 1426/2010 were issued in favour of the respondents 8 to 13 by the fourth respondent office. So, the petitioner made several representations to the fourth respondent to cancel the fake entries in the Revenue Records in respect of Old S.No.777, as per SLR T.S.No.114, 116 and 117 to protect her right, however, her representations were not yet considered by the fourth respondent. While so, the fourth respondent vide letter dated 05.08.2016 disclosed the fact that S.No.777 situated in Korattur Village has not been subdivided till date and the Town Survey Settlement has not been completed.

2.7. During the year 2013, petitioner filed a suit in O.S.No.211 of 2013 before the District Munsif Court, Ambattur, praying to declare the Sale Deeds dated 03.02.2010 and 09.04.2012 as null and void, however, the



same is pending. Therefore, left with no other alternative, petitioner has filed the present writ petition before this Court for the reliefs stated *supra*.

3. The learned counsel for the petitioner submitted that the petitioner's father is the original owner of the subject property. While so, the respondents 7 to 13 have illegally mutated the Revenue Records and claim that they are the owners of the subject property. Therefore, the learned counsel prayed this Court to issue appropriate direction to the fourth respondent to cancel the patta which were illegally obtained by the respondents 7 to 13 in respect of subject property and to grant patta in respect of subject property, in petitioner's favour.

4. The learned Government Advocate appearing for the respondents 1 to 6 submitted that the land in Old S.No.777 of Korattur Village was registered in Revenue Record as 'Grammanatham' village site which is a communal land set apart for housing purpose of the community. He further submitted that the Tahsildar, Ambattur had not issued patta to the land in question besides he had issued TSLR extracts to the persons whose names were recorded in the TSLR as per Town Survey Registry. He further



WEB COPY

submitted that it is a well settled principle that in case where there is a dispute in respect of title over the property, the entries in the Revenue Records would not be final, until, it is confirmed by a Civil Forum. Further, it is to be noted that the entries in the TSLR questioned by the petitioner were allegedly done by the Tahsildar, Ambattur and the same cannot be altered by the very same Tahsildar. Moreover, the petitioner is questioning the genuineness of the Legal Heir Certificate obtained by the respondents 7 to 13 and the claim made by the seventh respondent that she is the daughter of deceased Dhanapathy. Therefore, the petitioner may be directed to approach the concerned Revenue Divisional Officer or appropriate civil forum to work out her remedy.

5. As far as this case is concerned, the petitioner claims that her father is the original owner of the subject property, but, the facts remains that the subject property was registered as “Grammanatham” in the Revenue Records. Further, it is to be noted that the relief sought by the petitioner in this writ petition seeking cancellation of pattas granted in favour of the respondents 7 to 13 which itself clearly shows that the issue involved in the present case is a civil dispute. A civil dispute has to be decided by the



W.P.No.40759 of 20__

competent Civil Court.

WEB COPY

6. In the aforesaid circumstances, the relief sought by the petitioner cannot be granted by this Court. Hence, this writ petition is dismissed, however, liberty is granted to the petitioner to approach the competent Civil Court for appropriate remedy. No costs. Consequently, connected miscellaneous petitions are closed.

14.11.2022

mrr

Index : Yes/No

Speaking Order (or) Non-Speaking Order



W.P.No.40759 of 20--

Copy to
WEB COPY

- 1.The District Collector,
Thiruvallur District.
- 2.The Assistant Commissioner of Police,
Thiruvallur District.
- 3.The District Revenue Officer,
Thiruvallur District.
- 4.The Tahsildar,
Ambattur, Chennai.
- 5.The Tahsildar,
Saidapet, Chennai.
- 6.The Tahsildar,
Egmore – Nungambakkam Taluk,
Chennai – 600 031.



WEB COPY



W.P.No.40759 of 2016

M.DHANDAPANI, J.

mrr

W.P.No.40759 of 2016

14.11.2022