



W.P.No.30147 of 20__

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.11.2022

Coram

The Honourable Mr.Justice M.DHANDAPANI

**W.P.No.30147 of 2022
and W.M.P.No.29580 of 2022**

M.Kuppamal

...Petitioner

Versus

- 1.The District Collector,
Thiruvallur District,
Thiruvallur,
Tamil Nadu, Pincode – 602 001.
- 2.The District Revenue Officer,
Thiruvallur District,
Thiruvallur,
Tamil Nadu, Pincode – 602 001.
- 3.The Revenue Division Officer,
Revenue Division Office,
Kasinathapuram,
Thiruthani,
Thiruvallur District,
Pincode – 631 209.
- 4.The Tahsildar,
Thiruthani Taluk,
Kasinathapuram,
Thiruvallur District,
Pincode – 631 209.



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5.The Deputy Superintendent of Police,
Thiruvallur,
Thiruvallur District,
Pincode – 602 001.

6.Mr.T.K.Venkatesan

7.D.Ramamurthy

8.Suresh

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 2nd and 3rd respondent to take appropriate action and pass orders expeditiously in accordance with law on the petitioner's representation dated 19.08.2021.

For Petitioner : Mr.L.K.Charles Alexander

For Respondents – 1 to 5: Mr.T.K.Saravanan,
Government Advocate

ORDER

Mr.T.K.Saravanan, learned Government Advocate takes notice for the respondents. With the consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.



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2. The relief sought in this writ petition is to direct the respondents 2 & 3 to consider the petitioner's representation dated 19.08.2021 and pass appropriate orders on the same, on merits and in accordance with law, as expeditiously as possible.

3. The case of the petitioner is that her father Munusamy Reddy was the owner of the property comprised in Thirutani Town Survey No.326/22 measuring to an extent of 2 Acre 45 cents situated at Thirutani. Her father died on 05.11.1960. After his demise, petitioner was in possession and enjoyment of the said property as an absolute owner and the patta of the said property was also issued in petitioner's name under Patta No.881. While so, the petitioner came to know that one of her relatives viz., Esammal and the said Esammal's two relatives viz., T.K.Venkatesan (6th respondent) and D.Ramamurthy (7th respondent) made erroneous entry in the A-Register and Patta No.1366 and based on such entry, on 19.09.2018, the respondents 6 & 7 alienated S.No.326/22 as residential plots vide Document No.2019/2013, however, the said alienation was wrongly mentioned as S.No.326/22-B and Patta has been subdivided as Patta No.5984 and the same was allotted and issued in the name of one Jyothi. Later, it has been



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alienated vide Sale Deed Document No.2568/2020 in S.No.326/22A. By misusing the said erroneous entry, the respondents 6 & 7 alienated the property to the eighth respondent on 07.08.2020. The Patta was also changed and issued as Patta No.6636 to the eighth respondent. Aggrieved over the same, petitioner gave a representation dated 04.02.2021 to the third respondent. Thereafter, the third respondent vide order in Na.Ka.473/2021/A2 dated 13.07.2021 held that there were many entries in S.No.326/22 and the possession of the aforesaid property is in the names of respondents 6, 7 & 8 and therefore, the petitioner is advised to approach the Civil Court for remedy. Even thereafter, in this regard, the petitioner gave a representation dated 19.08.2021 to the second respondent, however, till date, no action was taken on her representation. Hence, left with no other alternative, petitioner has filed the present writ petition before this Court for the relief stated *supra*.

4. The learned counsel for the petitioner submitted that originally, the subject property was owned by petitioner's father and after his demise, the petitioner became an absolute owner of the said property. Before the Land Ownership Development Project, the patta of the subject property stood in



the name of petitioner. He further submitted that the respondents 6, 7 & 8 are no way connected to the petitioner's property and they are attempting to grab the petitioner's property. Therefore, the learned counsel prayed this Court to issue direction to the respondents 2 & 3 to consider the petitioner's representation dated 19.08.2021 and pass appropriate orders on the same, on merits and in accordance with law, within a time frame stipulated by this Court.

5. Since no adverse order is being passed against the respondents 6 to 8, notice to the respondents 6 to 8 is dispensed with.

6. Heard the learned counsel on either side and perused the materials placed before this Court.

7. As far as this case is concerned, the petitioner claims that she is the owner of the subject property and she did not alienate the said property to any third party. However, the fact remains that the petitioner executed a Power of Attorney in favour of one Mr.Parandhaman and the said Parandhaman alienated the subject property in favour of different persons.



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8. The issue involved in the present case is regarding the establishment of title over the subject property. The title of the subject property has to be decided by the competent Civil Court. So, the petitioner ought to have approached the competent Civil Court, but, without doing so, she gave a representation before the Revenue Official/second respondent.

9. 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 to work out her remedy. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No

Speaking Order (or) Non-Speaking Order



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