



W.P.No.24320 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2022

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.24320 of 2017

1.RamaniBanu

2.Deepu Abraham

... Petitioners

Vs.

1.The Commissioner Land Administration,
Ezhilagam, Chepauk,
Chennai – 600 005.

2.The District Revenue Officer,
Kancheepuram District,
Kancheepuram.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records from the file of the first respondent in respect of the impugned order passed by the first respondent in K3/17661/2016, dated 15.05.2017 and quash the same and consequently direct the respondents to restore the patta in the name of the petitioners.

For Petitioners : Mr.N.C.Ashok Kumar

For Respondents : Mr.U.Bharanidharan,
Additional Government Pleader



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ORDER

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This writ petition has been filed for seeking issuance of Writ of Certiorarified Mandamus calling for the records from the file of the first respondent in respect of the impugned order passed by the first respondent in K3/17661/2016, dated 15.05.2017 and quash the same and consequently direct the respondents to restore the patta in the name of the petitioners.

2. The case of the petitioners is that the land in S.No.231 measuring an extent of 7.23 acres and in S.No.246 to an extent of 0.45 acres in Pozhichalur village, Kancheepuram district was assigned in favour of one K.C.Philips in the year 1951. After the demise of said K.C.Philips, his legal heirs alienated the said property in favour of one V.Natarajan by way of sale deed in the year 1974 and patta was also transferred on his favour. In turn, the said V.Natarajan has sold the land in S.No.246 to an extent of 0.45 acres to one Mariama George in the year 1982. Thereafter, the said Mariama George had sold the said property in favour of the petitioners on 01.11.1995. Thereafter, the first petitioner has made an application for issuance of patta before the second respondent, however, the second respondent refused to grant patta in



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favour of the first petitioner on 18.08.2016. Aggrieved over the same, the first petitioner filed a revision petition before the first respondent. Thereby, the first respondent rejected the claim of the petitioner by passing an order dated 15.05.2017. Challenging the same, the petitioners has filed this writ petition with the aforesaid prayer.

3. Learned counsel for the petitioners would submit that the fact finding authority has concurrently held that the assignment order issued in favour of K.C.Philips is doubtful one and the same is not sustainable. Originally in the year 1951, an assignment order was issued in favour of aforesaid K.C.Philips under the category of “Political Sufferer” and the same was produced before the authority, however, without considering the same, the revenue officials has doubted the assignee's capacity as a political sufferer at this distant point of time is not sustainable one. Accordingly, he prayed for allowing this writ petition.

4. Learned Government Pleader appearing for the respondents would submit that the subject property land is classified as “Kallankuthu” poramboke and the same is coming under the category of objectionable land,



which cannot be alienated or assigned in favour of the political sufferer.

Further, there was some discrepancy in the issuing authority because, at the relevant point of time, the name of the issuing authority is Mr.R.Koteswara Roa Naidu, whereas, in the order it was mentioned as Mr.R.Koteswara Roa. He further submitted that the issue arises in this writ petition cannot be decided by the revenue officials and it has to be decided only before the Competent Civil Court.

5. Heard the learned counsel on either side and perused the materials available on record.

6. The facts in the present case is not in dispute. The petitioners claims that the subject land was assigned in favour of one K.C.Philips in the year 1971 and after his demise, the said property was alienated in favour of one V.Natarajan by his legal heirs and thereafter, the said property was alienated in favour of Mariama George. Subsequently, the said Mariama George alienated the property in favour of the petitioners. When the petitioners made an application before the second respondent for obtaining patta, the second respondent rejected the same on the ground that they have doubt in respect of



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the assignment order. Aggrieved over the same, the petitioners made a revision petition before the first respondent and the same was also rejected by passing an impugned order dated 15.05.2017.

7. In the present case on hand, the petitioners have failed to produce the revenue records before this Court to substantiate or to disprove the statement of the respondents. As rightly pointed out by the learned Additional Government Pleader for the respondents that the issue arises in this writ petition cannot be decided by this Court, since the revenue officials doubted the claim made by the petitioners. Hence, the same has to be decided only before the Competent Civil Court. Therefore, the prayer sought in this writ petition cannot be entertained.

8. Accordingly, this writ petition stands dismissed with a liberty to the petitioners to approach the Competent Civil Court for establishment of title. If any such filing is made, the Competent Civil Court is directed to decide the issue in between the parties, without being influenced by any of the observation made in the impugned order dated 15.05.2017 in K3/17661/2016. No costs.



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Index : Yes/No

Speaking Order : Yes/No

M.DHANDAPANI,J.

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