



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 29.08.2022

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

W.P.No.1895 of 2017
and WMP.No.21824 of 2022

- 1 Mr.T.V.Sivakumaran
- 2 Mr.T.V.Gopalan
- 3 Mrs.T.V.Bhuvaneshwari

... petitioners

-Vs-

- 1 The District Revenue Officer,
Kancheepuram.
- 2 The Revenue Divisional Officer,
Chengalpattu.
- 3 The Tahsildhar,
Chengalpattu.
- 4 Mr.Krishnan
- 5 Mr.Ekambaram

... Respondents

Prayer: Petitions filed under Article 226 of the Constitution of India, for issuance of Writs of certiorari Calling for records of the order in revision dated 11.11.2016 passed by the first Respondent vide Na.Ka. 29942/ 2009/ N4 confirming the order dated 06.08.2009 passed by the second Respondent vide Na.Ka. 243/2002/ A and quash the same.



For petitioner : Mr. K.R.Arun Shabari

For Respondents : Mr. R.P.Murugan Raja RR1 to 3

Mr.S.Sridhar

R4

Mr.M.Kempuraj

R5

ORDER

The writ petition has been filed seeking to quash the impugned order in revision dated 11.11.2016 passed by the first Respondent vide Na.Ka. 29942/2009/ N4 confirming the order dated 06.08.2009 passed by the second Respondent vide Na.Ka. 243/2002/ A.

2. It is the case of the petitioners that the petitioners are the owners of the property comprised in S.Nos.23/1B, 23/1E, 23/1D, 23/1C situated at Karunkuzhipallam Village, Chengalpet Taluk, Kancheepuram District. The third respondent granted patta in favour of the petitioners in respect of the subject properties. In the meanwhile, the respondents 4 & 5 have made an application before the second respondent for cancellation of patta which stand in the name of the petitioners. The second respondent also passed an order on 06.08.2009 cancelled the above said pattas. Challenging the said order, the petitioners preferred a revision before the first respondent. The first respondent, passed an order on 11.11.2016, by confirming the order of the second respondent.



Aggrieved over the same, the petitioners have filed the present petition before this Court.

3. The learned counsel for the petitioner submitted that this Court may permit the petitioner to file an appropriate suit before the competent civil Court as directed by the first respondent in the impugned order.

4. When there exists a dispute with regard to the subject property between the parties, this Court cannot interfere with in the matter by exercising its jurisdiction under Article 226 of the Constitution as the Court cannot enter into disputed questions of fact. The petitioner has to approach the competent civil forum to resolve the issue and the revenue officials have also no power to decide the matter.

5. Considering the facts and circumstances of the case and in view of the limited request made by the petitioner, this Court without going into the merits of the matter, passes the following order:

(i) This Court direct the petitioners to approach the competent civil Court and file a suit for establishing his rights;and



(ii) if the petitioners approach the civil Court, the learned

Judge shall decide the case independently, without influencing the observation made in the impugned order;

6. With the above observation, this Writ Petition is dismissed.

No costs. Consequently, the connected Miscellaneous Petition is closed.

29.08.2022

Index : Yes/No

Internet: Yes/No

Speaking Order : Yes/No

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To

- 1 The District Revenue Officer,
Kancheepuram.
- 2 The Revenue Divisional Officer,
Chengalpattu.
- 3 The Tahsildhar,
Chengalpattu.



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5



M.DHANDAPANI, J.

rli

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