IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition Nos. 8124, 15349 and 22700 of 2019
and
W.M.P. Nos. 15335, 22190 and 22193 of 2019

W.P.No.8124 of 2019

K.Raghu ... Petitioner

-Vs-

1. The District Revenue Officer,
Office of the Collectorate,
Chennai – 600 001.

2. The Revenue Divisional Officer,
Chennai South,
Guindy, Chennai.

3. The Tahsildar,
Velachery Taluk,
Chennai.

4. Indian Institute of Technology, Madras,
Rep. by its Registrar,
Chennai – 600 036.

5. The District Collector,
Chennai District, Chennai – 600 001. … Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 3rd respondent to grant patta to the petitioner and others in respect of the property, measuring an extent of 97.56 cents comprised in Block No.8, T.S.No.2/3, Door No.4-A, Taramani Road of Thiruvanmiyur Village, No.140, Chennai within the Sub-Registration District of Saidapet and Registration District of Chennai South.

W.P.No.15349 of 2019

K.Raghu ... Petitioner

Vs.

1. The District Collector of Chennai,
   Office of the Collectorate,
   Chennai – 600 001.

2. The District Revenue Officer,
   Office of the Collectorate,
   Chennai – 600 001.

3. The Tahsildar,
   Velachery Taluk,
   Chennai.

4. The Registrar,
   Indian Institute of Technology,
   Chennai – 600 036. ... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records relating to the order of the 1st respondent herein in Ref.J2/22106/2006 dated 26.04.2019 and quash the same.

W.P.No.22700 of 2019

Indian Institute of Technology, Madras,
Rep. by its Registrar,
IIT Post Office, Chennai – 600 036. ... Petitioner

Vs.

1. The District Revenue Officer,
   Office of the Collectorate,
   Chennai - 600 001.

2. The District Collector of Chennai,
   Collectorate, Chennai – 600 001.

3. K.Raghu ... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records relating tot he order dated 04.01.2019 passed by the 1st respondent in the proceedings J2/22106/2006 and quash the same.

For Petitioner [in W.P.No.8124 & 15349 of 2019] and 3rd respondent in W.P.No.22700 of 2019	:	Mr.S.Suresh
For Respondents [1 to 3 in W.P.Nos.8124 of 2019 & 15349 of 2019 and R1 and R2 in W.P.No.22700 of 2019	:	Mr. R.P.Murugan Raja [Government Advocate
For Petitioner [in W.P.No.22700 of 2019 and 4th respondent in W.P.Nos.8124 of 2019 & 15349 of 2019	:	Mr.Karthik Rajan Standing Counsel

COMMON ORDER

Since the issue raised in these writ petitions is one and the same, with the consent of learned counsel appearing for both sides, these writ petitions were heard together and are disposed of by this common order.

2. The property at S.No.4/1 part, 7/7 part, Thiruvanmiyur Village, Block No. 8, T.S. No. 2/3 originally Triplicane Village presently Velachery Taluk, Chennai district is the subject matter in these writ petitions. In respect of the property, it is a case of K.Raghu, who is the petitioner in W.P. No. 8124 of 2019 and W.P. No.15349 of 2019 that the property belongs to him. Though a larger extent of land in the said village had been acquired long back for the purpose of running Indian Institute of Technology [in short, 'IIT'] at Chennai, who is the petitioner in W.P. No. 22700 of 2019, according to the said K.Raghu, the subject matter property has not been covered under the land acquisition proceedings.

3. Therefore, it is a further case of that K.Raghu that, he has been in possession and enjoyment of that property and hence, he is entitled for getting patta and his continuous possession and enjoyment cannot be disturbed.

4. Per contra, it is the stand of the IIT that the said property also has been covered under the land acquisition proceedings and since the land acquisition proceedings has been completed, the entire land including the subject land has been handed over to the IIT, who have been in continuous possession and enjoyment of the property along with larger extent of land, which is form part of IIT campus in Chennai.

5. In fact this controversy has gone to the District Revenue Officer concerned, who having considered the aforesaid case and counter case between the parties, has passed an order on 04.01.2019 whereby he has stated that the land in question is not covered by the larger extent of land, which was acquired under the land acquisition proceedings for the benefit of IIT.

6. As a sequel, the District Revenue Officer in the said order dated 04.01.2019 has allowed the claim made by the said Raghu for issuance of patta in favour of him. Therefore, the said order dated 04.01.2019 has been under challenge in W.P. No. 22700 of 2019 filed by the IIT.

7. After getting the said order dated 04.01.2019, the said Raghu has given an application to the Revenue Tahsildar on 01.09.2019 and had approached this Court by filing W.P. No. 8124 of 2019 seeking for issuance of mandamus to the respondents i.e., Revenue Tahsildar to consider the case of the said Raghu to issue patta for the said land pursuant to the order passed by the District Revenue Officer dated 04.01.2019.

8. Aggrieved over the said order dated 04.01.2019 passed by the District Revenue Officer, the IIT filed an appeal before the District Collector, who having considered the said appeal, had passed an order on 26.04.2019, whereby he has stated that there has been apparent non adherence of court directions in passing the order without any proper enquiry and also he found that the land in question was classified as 'Circar Poramboke' and the paimash numbers contradicts with the old survey number and Town Survey Numbers.

9. Therefore the District Collector, Chennai decided to cancel the order passed by the District Revenue Officer dated 04.01.2019 as a *prima facie* there is devoid of merits on the part of the said Raghu and accordingly, after cancelling the same, the District Collector, Chennai referred the matter to the Additional Chief Secretary /Commissioner of Land Acquisition for taking the matter by way of Revision and deciding the same. In the meanwhile, the District Collector, Chennai directed the Tahsildar, Velacherry Taluk not to make any changes based on the order of the District Revenue Officer dated 04.01.2019.

10. Aggrieved over the said order passed by the District Collector, Chennai, the said Raghu has filed the Writ Petition in W.P. No. 15349 of 2019, that is how these three writ petitions came to be filed and were heard by this Court jointly and are being disposed of by this common order.

11. It is submitted by the learned counsel appearing for both sides that, there have been interim orders passed by this Court in these writ petitions and the learned counsel appearing for the said Raghu would

submit that, assuming that, if there is any infirmity in the order dated 04.01.2019 passed by the District Revenue Officer, the District Collector does not have any power to interfere with the said order. However, without any jurisdiction or without any power having been conferred in him, he has gone to the extent of passing the order dated 26.04.2019, thereby the order passed by the District Revenue Officer has been cancelled and thereafter, since the matter has been referred to the Land Commissioner, such kind of action taken on the part of the District Collector is unlawful and hence, the learned counsel appearing for the said Raghu seeks indulgence of this Court.

12. On the other hand, Mr.Karthik Rajan, learned Standing Counsel appearing for the IIT would submit that, since the land in question as per the village accounts has been classified as Circar Poramboke originally, therefore the question of having any possession or title over the property by the said Raghu may not be possible and moreover, since the pimas numbers and the town survey numbers not synchronized with each other and taking advantage of the same, the said individual might have made a claim before the District Revenue Officer to get the order in his favour, which was granted by the District Revenue

Officer without considering the factual aspects, where not only the subject land but also a vast extent of land having been acquired by way of proper land acquisition proceedings in favour of IIT, Madras for their establishment and since then, it has been in possession and enjoyment of the IIT.

13. Therefore, the learned Standing Counsel would submit that noting this *prima facie* only, the District Collector having cancelled the order passed by the District Revenue Officer referred the matter to the Land Commissioner to treat as a revision and to decide the issue on merits and in accordance with law after hearing both sides. Therefore, the said order passed by the District Collector dated 26.04.2019 has no infirmity and hence, it cannot be successfully challenged by the individual said Raghu, he contended.

14. I have considered the said submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

15. At the first instance, the District Revenue Officer has passed an

order in respect of the land and declare it that the said land is not covered by the land acquisition proceedings. At the second instance, the District Collector has *prima facie* concluded that the said land in question was considered to be or categorized as Circar Poramboke and also the District Collector found that without proper enquiry, the District Revenue Officer since has passed an order in favour of the said Raghu for issuance of patta, the said order is liable to be set aside or kept in abeyance and therefore, based on the *prima facie* only, the District Collector has not finally concluded the issue but only to save the land as it is a Government land according to the District Collector he has referred the matter to the Land Commissioner for revision.

16. Whatever the order passed by the District Revenue Officer that is revisable before the Land Commissioner. As against the order passed by the District Revenue Officer no further appeal or revision is available with any other authority except the Land Commissioner, hence the District Collector has made such reference through the order dated 26.04.2019.

17. Therefore, I find no infirmity in referring the matter to the

Land Commissioner to revise the issue.

18. Insofar as the order dated 04.01.2019 passed by the District Revenue Officer is concerned since it is merged with the order passed by the District Collector order dated 26.04.2019 and by the said order, the District Collector referred the matter to the Land Commissioner for revision and if ultimately, the Land Commissioner consider the said issue and pass orders, after hearing both sides, the order passed by the District Revenue Officer has also would get redressed by the aggrieved parties. Therefore, insofar as the challenge made by the IIT against the order passed by the District Revenue Officer dated 04.01.2019 is concerned, that issue also would be taken care by the Land Commissioner. Regarding the mandamus sought for by the said Raghu for issuance of patta by the Revenue Tahsildar of-course pursuant to the order passed by the District Revenue Officer dated 04.01.2019, in view of the aforesaid alone, the said Raghu, petitioner in W.P.No.8124 of 2019 is not entitle to get patta from the Revenue Tahsildar. Therefore, such mandamus cannot be issued.

19. Considering all these aspects as discussed herein above, this

Court feels that the reference made by the District Collector through his order dated 26.04.2019 to the Land Commissioner for revision is a right step taken by him. Hence, this Court wants the matter to be decided by the Land Commissioner by way of revision. Accordingly, this Court is inclined to dispose of these writ petitions with the following directions:

- That there shall be a direction to the Commissioner for Land Administration, Government of Tamil Nadu, Chennai, to take up the issue in question as referred by the Collector vide his order dated 26.04.2019, where the Land Commissioner can take the order passed by the District Revenue Officer dated 04.01.2019 and revise the said order in the light of the findings given by the District Collector dated 26.04.2019 after giving an opportunity of being heard to both the petitioners i.e., Raghu as well as the IIT in these group of cases and pass orders thereon on merits and in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order.
- Till the disposal is made as indicated above by the Land Commissioner insofar as the land in question is concerned, *status quo* as on today shall be maintained.

- No further precipitative action by the Revenue Authorities shall be made in respect of the subject land at the instance of any other parties till such disposal is made by the Land Commissioner as directed above.

With these directions, these writ petitions are disposed of. No costs. Connected miscellaneous petitions are closed.

19.01.2023

Index : Yes/No
Speaking order: Yes/No
Neutral Citation:Yes/No
mp

To

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   Chennai – 600 001.

2. The District Revenue Officer,
   Office of the Collectorate,
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3. The Tahsildar,
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R. SURESH KUMAR, J.

mp

Writ Petition Nos. 8124, 15349 and 22700 of 2019

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