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W.P.No.9842 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.9842 of 2023

1.Tirupathi
2.Sanmugam

... Petitioners

Vs.

1.The Principal Secretary to Government,
Revenue and Disaster Management Department,
Secretariat, Chennai-9.

2.The Commissioner of Land Administration,
Chepauk, Chennai-5.

3.The District Revenue Officer,
Dharmapuri District.

4.The Revenue Divisional Officer,
Dharmapuri.

5.The Tahsildhar,
Pennagaram,
Dharmapuri District.

6.Sakthivel

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records



relating to the impugned order Ni.mu.No.961/2022/(Pa2) dated 14.10.2022 passed by the 3rd respondent and quash the same as illegal, arbitrary, in-operative in law and further directing the 3rd respondent to issue patta in our names.

For Petitioners : Mr.M.Ravi

For Respondents 1 to 5 : Mr.E.Sundaram,
Government Advocate

For Respondent 6 : Mr.P.Valliappan, Senior Counsel,
for M/s.P.V.Law Associates

ORDER

The order impugned dated 14.10.2022 passed by the District Revenue Officer, Dharmapuri is under challenge in the present writ petition.

2. The petitioners state that they have purchased the subject property as described in the affidavit filed in support of the present writ petition. The petitioners state that patta has been granted under the Natham settlement scheme and the rights of the persons occupying the lands classified as Natham Poromboke and was also recognised. At the outset, the petitioners state that the property was classified as Natham Poromboke and they are in occupation of the property for long years and therefore, they are entitled for



patta. Thus, the order of rejection passed by the District Revenue Officer is incorrect.

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3. Learned Government Advocate appearing on behalf of the respondents 1 to 5 submitted a copy of the report sent by the Tahsildar, Pennagaram which states that the subject property had been classified as “Natham Poromboke Chathiram”. The original revenue records were verified and accordingly, the authorities found that the classification was made as Natham Poromboke Chathiram. On scrutinisation, the District Revenue Officer found that the said classification was erased in an illegal manner and the name of one Gajalakshmi was inserted in the place. For change of classification, no proceedings has been passed by the competent authority nor the said entry has been signed by the competent authority. In view of the said irregularities identified by the District Revenue Officer, the order impugned has been passed.

4. The learned Senior Counsel appearing on behalf of the sixth respondent made a submission that the parties are in occupation for several years i.e., from the year 1938 onwards and the occupation is also to be taken into consideration.



5. It is not in dispute that the sixth respondent is the vendor in respect of the property purchased by the writ petitioners. Mere occupation would not confer title to the petitioners or to their vendor. The authorities now found certain irregularities and manipulations done in respect of the revenue records and by virtue of the said manipulation, subsequent documents were created by other parties.

6. Under these circumstances, the authorities competent are bound to initiate all appropriate actions in the manner known to law. The petitioners are also at liberty to submit their documents for scrutiny of the authorities. However, the original entry made in the revenue records as Natham Poromboke Chathiram and the subsequent irregularities and illegalities committed by any person in respect of the subject property are to be verified and all appropriate and necessary actions under law to be initiated for the purpose of regulating the subject property in accordance with law.

7. However, the reason stated in the impugned order cannot be interfered with and accordingly, the order impugned stands confirmed.

8. It is brought to the notice of this Court that the civil courts have passed decrees.



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9. Learned Government Advocate made a submission that in none of the civil court decrees, the Government is a party and exparte decrees were passed.

10. Those, exparte decrees are not binding on the Government authorities and more so, an illegality has been identified with reference to the manipulations done in the revenue records, Therefore, those decrees cannot operate against the Government authorities for initiation of all appropriate actions in the manner known to law. If at all the petitioners claim any civil right, such rights are to be adjudicated before the competent civil court of law.

11. With these observations, the writ petition stands dismissed. No costs.

09.08.2023

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Index : Yes

Neutral Citation : Yes

Speaking order



To

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S.M.SUBRAMANIAM, J.

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