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W.P.Nos.6131 & 6132 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.Nos.6131 & 6132 of 2015 and
M.P.Nos.1 & 1 of 2015

S.Jayanthi .. Petitioner in
W.P.No.6131 of 2015

S.Kishore .. Petitioner in
W.P.No.6132 of 2015

VS

1. The Corporation of Chennai
Rep. by its Commissioner
Rippon Building, Park Town
Chennai – 600 003.
2. The Assistant Executive Engineer
Corporation of Chennai
Division No.175, Zone No.13
Lattice Bridge Road, Adyar
Chennai – 600 020.
3. The City Co-operative Housing Society Ltd.
Rep. by its Special Officer having office at
Gandhi Nagar Co-operative Housing Society Ltd.
4th Main Road, Pumping Station Road
Gandhi Road, Adyar, Chennai 600 020.
4. The Director
Tamil Nadu Town and Country Planning Department
Anna Salai, Chennai – 600 002.
5. The Tahsildar
Velacherry Taluk
Chennai – 600 113.

Respondents in
both W.Ps



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Prayer in W.P.No.6131 of 2015: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the fifth respondent herein in RTR 6(2)/1981/2014 dated 20.01.2015 and quash the same and consequently direct the fifth respondent herein to grant patta in favour of the petitioner in respect of shop site Nos.1, 2 and 3 comprised in Survey No.18/3. T.S.No.52/2, now re-classified as Survey No.52/3, Block No.21, bearing Old Door No.60/2 New Door No.148, Lattice Bridge Road, Adyar, Chennai – 600 020;

Prayer in W.P.No.6132 of 2015: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the fifth respondent herein in RTR 6(2)/1980/2014 dated 20.01.2015 and quash the same and consequently direct the fifth respondent herein to grant patta in favour of the petitioner in respect of shop site Nos.5 and 6 comprised in Survey No.18/3. T.S.No.52/2, now re-classified as Survey No.52/3, Block No.21, bearing Door No.1 Venkatarathinam Nagar, Lattice Bridge Road, Adyar, Chennai – 600 020.

For Petitioner : Ms.AL.Ganthimathi
Senior counsel
for Mr.L.Palanimuthu

For Respondents : Mr.Abhishek Murthy
Government Advocate



COMMON ORDER

The writ petitions on hand has been instituted challenging the order dated 29.01.2015 passed by the fifth respondent / Tahsildar rejecting the application submitted by the petitioners for grant of patta on the ground that the subject property is classified as Sarkar Poromboke / Chennai Corporation.

2. The application for patta was rejected since the revenue records reveals that the property belongs to Chennai Corporation. The learned Senior Counsel appearing on behalf of the petitioners made a submission that the petitioners are in possession of a registered sale deed to establish her title.

3. The claim of the petitioner that they are the owner of the properties, holding valid title, is to be established before the Civil Court of law. As far as the application for patta is concerned, it was dealt with in accordance with the provisions of the Patta Passbook Act, 1987 and the said application was rejected on the ground that, in the revenue records, the entry reveals that the subject property is classified as Government Poromboke / Chennai Corporation. Thus, the authorities cannot issue patta in favour of the petitioners and it was communicated to the petitioners.



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4. If at all the petitioners wishes to prove their title based on certain documents, the petitioners would have to prefer an appeal before the Revenue Divisional Officer, as contemplated under the Patta Passbook Act. In any event, the writ petitions are not entertainable, since such disputed facts cannot be adjudicated in a writ proceedings under Article 226 of the Constitution of India. Therefore, the petitioners have to prefer an appeal before the Revenue Divisional Officer or approach the competent Civil Court of law for establishing their title in the manner known to law.

5. As far as the respondents are concerned, if the lands are classified as “Government Poromboke” and stands in the name of Chennai Corporation, then, they are bound to initiate appropriate action in the manner contemplated under the statutes for eviction of the encroachers from the land and utilize the said public property for the purpose of public welfare schemes and in the interest of the public. Therefore, the respondents are at liberty to initiate appropriate actions, so also the petitioners can defend their case in the manner known to law.



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6. In the event of preferring an appeal before the Revenue Divisional Officer by the petitioners, the Revenue Divisional Officer shall entertain such appeal without reference to the delay and decide the issues on merits and in accordance with law.

7. Accordingly, the writ petitions stand disposed of. There will be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

Index : Yes/No
Neutral Citation : Yes/No

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S.M. SUBRAMANIAM, J.

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