



W.A.Nos.2932, 2738 & 2740 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.Nos.2932, 2738 & 2740 of 2023

Minor Dheeksheta Saai .. Appellant in
Rep. by natural Guardian & Mother WA No.2932/23
Padma Prashantini

Minor Udvaithaa Saai .. Appellant in
Rep. by natural Guardian & Mother WA No.2738/23
Padma Prashantini

M.Mangala Gowri .. Appellant in
WA No.2740/23

Vs.

1. The Revenue Divisional Officer
Chengalpattu Division
VOC Nagar, Chengalpattu
Tamil Nadu 603 001.

2. The Tahsildar
Thirukazhukundram Taluk
Taluk Office
Thirukazhukundram 603 109.

.. Respondents in
all W.As.



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Prayer: Appeals filed under Clause 15 of the Letters Patent against the common order dated 16.08.2022 made in W.P.Nos.24559 to 24561 of 2016.

For the Appellants : Mr.Sathish Parasaran
Senior Counsel
For Mr.G.Vivekanand

For the Respondents : Mr.K.Karthik Jegannath
Government Advocate

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.Sathish Parasaran, learned Senior Counsel for Mr.G.Vivekanand, learned counsel for the appellants and Mr.K.Karthik Jegannath, learned Government Advocate for the respondents.

2. The appellants had filed W.P.Nos.24559 to 24561 of 2016 challenging the order passed by the Tahsildar, Thirukazhukundram, thereby observing that the land is classified as a Village Natham and the request of the appellants for entitlement to the extent of 0.83 acres comprised in S.No.1447/7 in Nallathur Village, is not acceptable. The learned Single Judge dismissed the writ petitions.



W.A.Nos.2932, 2738 & 2740 of 2023

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3. Amongst other contentions of the learned Senior Counsel for the appellant, one of the contentions is that the appellants are in possession of the subject writ land. The respondents cannot simply enter the land occupied by the appellants and drive the appellants out of the said land. The learned Senior Counsel relies upon Article 300A of the Constitution of India.

4. Learned Government Advocate supports the order passed by the authority and the learned Single Judge.

5. The learned Single Judge has observed that the writ petitioners are at liberty to work out their remedy before the trial Court by filing appropriate suit and canvass all their grievances with regard to the title over the subject property.

6. It would appear that the learned Single Judge has not decided the issue of title and has given liberty to the appellants to establish their title and interest before the competent civil Court or



W.A.Nos.2932, 2738 & 2740 of 2023

such other forum as may be permissible under law. In that event, all the contentions with regard to right and title of the appellants would be open. The same has not been conclusively decided under the impugned order passed by the learned Single Judge.

7. The respondents, if they intend to take any action for eviction of the appellants, certainly will have to follow the procedure of law of issuing notice and passing further orders, as may be legally permissible.

8. With the aforesaid observations, the appeals stand disposed of. There will be no order as to costs. Consequently, C.M.P.Nos.23057, 23055, 24336, 23046, 23047 and 24337 of 2023 are closed.

(S.V.G., CJ.)

(D.B.C., J.)
08.12.2023

Index : Yes/No
Neutral Citation : Yes/No

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