



W.P.No.12473 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.12473 of 2023

and

W.M.P.No.12297 of 2023

K.Lakshmi

... Petitioner

Vs

- 1.State of Tamil Nadu,
Rep. By Secretary to Government,
Revenue Department,
Fort St. George,
Chennai – 600 009.
- 2.The District Revenue Officer,
Kancheepuram.
- 3.The Revenue Divisional Officer,
Tambaram.
- 4.The Tahsildar,
Sholinganallur, Chennai.
- 5.M/s.Meenakshi Nagar Kudiyeruppor
Nala Sangam Welfare,
Reg. No.391/05, Rep. By its President,
No.17, 3rd Street, Meenakshi Nagar,
Pallikaranai Village, Tambaram Taluk,
Kancheepuram District.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to Na.Ka.No.J7/11623 of 2021 dated 20.03.2023 on the file of the 2nd respondent confirming the impugned order dated 13.03.2014 vide Ref. Mu.Mu.No.468/2013/B on the file of RDO, Tambaram and direct the respondents for restoration of patta bearing No.5088 for the site in S.No.378/1A1B situate at Pallikaranai Village in the name of the petitioner and restore in original state of land in S.No.378/1A1B situate at Pallikaranai Village.

For Petitioner : Mr.J.R.K.Bhavanantham

For Respondents : Mr.T.Arunkumar
Addl. Government Pleader for R1 to R4

ORDER

The order of the 2nd respondent dated 20.03.2023 confirming the order dated 13.03.2014 issued by the Revenue Divisional Officer, Tambaram is under challenge in the present writ petition.

2. The petitioner seeks direction to restore the patta bearing No.5088 for the site in Survey No.378/1A1B situated at Pallikaranai in the name of the petitioner. The petitioner states that she is the absolute owner of vacant site comprised at Survey No.378/1A1 at Perumalkoil Street, Pallikaranai Village.



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3. The grievances of the writ petitioner are that patta was granted originally in respect of the land belonging to the petitioner. Without issuing any notice, the said patta granted in favour of the petitioner was cancelled. A complaint was filed by Sri Meenakshi Nagar Residents Welfare Association stating that the petitioner has encroached upon the road and obtained a patta in a wrongful manner. As per the layout of the year 1982, a portion of the land is earmarked for public usage as a Road. Based on the complaint, the Revenue Authorities conducted a field inspection and accordingly cancelled the patta granted in favour of the petitioner. The petitioner preferred an appeal against the order of cancellation before the District Revenue Officer who in turn made a finding that the disputed portion of the subject property is a public road and under public usage. That apart, electrical lines are provided in the particular area and therefore the claim of the petitioner cannot be accepted, accordingly the order passed by the Original Authority cancelling the patta was confirmed by the Appellate Authority i.e. District Revenue Officer.



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4. The learned counsel for the petitioner mainly contended that the title of the petitioner was earlier accepted by the Revenue Authorities and patta was granted. The said patta granted in favour of the petitioner was cancelled without even issuing notice to the petitioner and therefore the impugned orders are liable to be set aside.

5. The learned Additional Government Pleader appearing for respondents 1 to 4 raised an objection by stating that action was taken based on the complaint filed by the Sri Meenakshi Nagar Residents Welfare Association. As per the layout, the particular portion of the property was earmarked as public road and even during the field inspection, the authorities found that the road has been in public use and electricity lines are also commissioned. In a disputed area, patta cannot be granted in favour of the writ petitioner and accordingly the order impugned is inconsonance with the provisions of the statutes.

6. The learned counsel for the petitioner further contended that the petitioner filed writ petition to remove the electrical overhead lines and also



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the pipelines and thereafter the authorities have taken action and cancelled the patta.

7. Be that as it may. This Court is of the considered opinion that there is a title dispute in respect of the subject property. The title dispute cannot be resolved neither by the Revenue Authorities nor by the High Court in a writ proceedings. The petitioner has to approach the competent Civil Court of law to establish title or ownership with reference to the documents and evidences available on record. The Authorities as per the documents including the layout decided that the subject property is in public usage and therefore, the petitioner is not entitled for patta. The said decision cannot be interfered with by this Court unless the title dispute has been resolved between the parties. Sri Meenakshi Nagar Residents Welfare Association raised a dispute with reference to the title of the petitioner and the petitioner claims that she is the owner of the property. This being the dispute raised between the parties. The petitioner is at liberty to approach the competent Civil Court of law for establishing her title or ownership in respect of the portion of the property and only thereafter she can make an application



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before the Revenue Authorities for grant of patta or otherwise in the manner known to law.

8. The Revenue Authorities are not competent to decide the ownership in respect of immovable property and High Court also cannot adjudicate the disputed facts. More so, roving enquiry with reference to the original documents cannot be conducted in a writ proceedings and filing writ petition after writ petition would not a solution to resolve the issues and therefore the petitioner has to approach the Civil Court for establishing her title or ownership as the case may be.

9. With this liberty, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

02.06.2023

Index : Yes

Speaking Order : Yes

Sgl

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To

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S.M.SUBRAMANIAM, J.

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