



WEB COPY

W.P.No.12523 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.12523 of 2023

and

W.M.P.Nos.12354 & 12357 of 2023

Pramila

... Petitioner

Vs.

1.The Secretary to Government
Revenue Department
Fort St. George,
Chennai – 600 009.

2.The District Collector
Thiruvallur District,
Thiruvallur.

3.The District Revenue Officer
Thiruvallur District,
Thiruvallur.

4.The Tahsildar,
Avadi Taluk,
Thiruvallur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the 3rd respondent in R.C.No.28390/2015/B3(N1) dated 24.11.2022 and quash



the same and consequently direct the respondents to issue patta to petitioner for the lands in Survey Nos.448/7 & 448/8 based on the UDR Patta No.39 stands in the name of petitioner family.

For Petitioner : Mr.M.Loganathan

For Respondents : Mr.Abhisek Murthy
Government Advocate

ORDER

The order dated 24.11.2022 passed by the District Revenue Officer, Thiruvallur is sought to be quashed in the present writ petition

2. The petitioner states that the he owns an immovable property in S.No.448/7-17 and S.No.448/8-11. The petitioner submitted an application for updating the entries in the revenue records and the said application was rejected by the District Revenue Officer, Thiruvallur. The District Revenue Officer scrutinised the revenue records and found that the subject property is old Minor Inam land held by the villagers. The said entry made as Inam was cancelled by stating that no services were rendered by the Villagers and therefore, the land was recorded as un-assessed. The name of the ancestors of the petitioner are not found in the Inam SLR.



3. Pertinently, there is no documentary evidence produced by the petitioner before the District Revenue Officer. In the absence of any such document to establish the case, the District Revenue Officer formed an opinion that the issues require a legal decision regarding the validity of the documents produced by the parties.

4. Revenue authorities are incompetent to decide the title / ownership in respect of the immovable property. Only if the title is established, the Revenue Authorities would be in a position to issue patta or cancellation of patta or make entries in the revenue records. In the absence of clear documents, the Revenue Authorities cannot act nor determine the title or ownership. In the present case, the petitioner has not produced all the relevant documents with reference to the civil right and therefore, the District Revenue Officer formed an opinion that the issues are to be considered by the Competent Civil Court of Law for the purpose of considering the claim of the petitioner to make necessary entries.

5. High Court cannot adjudicate such issues on merits, since the adjudication must be done with reference to the original documents and



evidences and therefore, the petitioner has to approach the competent Civil Court of Law for the purpose of establishing his rights regarding the property.

6. The power of judicial review under Article 226 of the Constitution of India cannot be extended for the purpose of adjudication of such disputes and thus, the petitioner is at liberty to approach the Competent Civil Court of Law for the purpose of establishing his right and only then, he may be in a position to approach the competent Revenue Authorities for making necessary entries in the revenue register.

7. With these observations, this Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

24.04.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



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S.M.SUBRAMANIAM, J.

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