



WEB COPY

WP No.17278 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12-06-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.17278 of 2023

And

WMP No.16430 of 2023

Mrs.D.Jayalakshmi

... Petitioner

Vs.

- 1.The Commissioner Land Administration,
Office of the Commissioner Land Administration,
2nd Floor, Ezhilagam,
Chepauk,
Chennai-600 005.
- 2.The Collector Thiruvallur,
Office of the Collector at Thiruvallur,
Thiruvallur Town and Taluk,
Thiruvallur District.
- 3.The District Revenue Officer,
Office of the District Revenue Officer at Thiruvallur,
Thiruvallur Town and Taluk,
Thiruvallur District.



4.The Revenue Development Officer Gummudipoondi,
Office of the Revenue Development Office
at Ponneri, Ponneri Town,
Thiruvallur District.

5.The Tahsildar Gummidipoondi Taluk,
The Office of the Tahsildar Gummidipoondi,
Gummidipoondi,
Thiruvallur District.

6.The Block Development Officer Gummidipoondi,
Office of Panchayat Union Gummidipoondi,
Gummidipoondi,
Thiruvallur District.

7.Ambedkar Natarajan

8.Balan

9.Rajendran

10.Ramakrishnan

11.Babu

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, calling upon the first respondent to pass orders in the representation made by the petitioner dated 30.03.2023, calling upon the first respondent to consider the representation for grant of patta in respect of the Annadeenam lands by taking into consideration the various facts and circumstances in respect of the lands comprised in Survey



No.316/4 land of an extent of acre 0.45 cents, situated in Kavaraipettai Village, Keelmuthalambedu Post, Gummidipoondi Taluk, Thiruvallur District.

For Petitioner : Mr.R.Singaravelan,
Senior Counsel for
Mr.A.Palaniappan.

For Respondents-1 to 5 : Mr.D.Ravichander,
Special Government Pleader.

For Respondent-6 : Mr.P.Ganesan

ORDER

The writ on hand has been instituted to call upon the first respondent to pass orders in the representation made by the petitioner dated 30.03.2023, calling upon the first respondent to consider the representation for grant of patta in respect of the Annadeenam lands by taking into consideration the various facts and circumstances in respect of the lands comprised in Survey No.316/4 land of an extent of acre 0.45 cents, situated in Kavaraipettai Village, Keelmuthalambedu Post, Gummidipoondi Taluk, Thiruvallur District.



2. The petitioner states that she is the owner of the agricultural Nanjai lands situated in Kavaraipettai Village, Keelmuthalambedu Post, Gummidipoondi Taluk, Thiruvallur District comprised in the following Survey Numbers and corresponding extent of lands:-

Sl.No.	Survey No.	Extent
1.	311/2	Acre 0.97 cents
2.	312/6	Acre 0.40 cents
3.	312/7	Acre 0.64 cents
4.	312/8	Acre 0.07 cents
5.	313/2	Acre 0.30 cents
6.	313/7	Acre 0.40 cents
7.	314/2	Acre 0.46 cents
8.	314/3	Acre 0.62 cents
9.	314/5	Acre 0.56 cents
10.	314/6	Acre 0.45 cents
	Total	Acre 4.87 cents

3. The petitioner states that she is the absolute owner of the abovesaid property comprising of the entirety of the lands by virtue of registered Sale Deed dated 24.10.1994, registered as Document No.2371 of 1994 on the file of the SRO, Gummidipoondi.



4. The learned Senior Counsel appearing on behalf of the petitioner mainly contended that the respondents 7 to 11 are illegally interfering with the peaceful possession and enjoyment of the petitioner in the subject property by claiming that the portion of the land has been classified as 'Annadeenam' and therefore, the said lands are to be allotted in their favour by the Competent Authorities. In view of the said interference at the instance of the respondents 7 to 11, the petitioner is constrained to move the present writ petition.

5. The learned Senior Counsel appearing on behalf of the petitioner contended that in the absence of having knowledge about the classification, whether it is Annadeenam or otherwise, the petitioner may not be in a position to approach the Competent Civil Court of Law or the Authorities concerned.

6. It is the claim of the respondents 7 to 11 that it is the 'Annadeenam' land. Therefore, if the Authorities Competent are bound to inform the petitioner that it is the 'Annadeenam' land, then alone the petitioner would be in a position to initiate appropriate actions.



7. The learned Special Government Pleader, appearing on behalf of the respondents 1 to 5, raised an objection by stating that even as per the statement of the petitioner, it is classified as 'Annadeenam land' and the petitioner seeks grant of patta by filing an application. If at all there is dispute in respect of classification or otherwise, the petitioner cannot claim title by merely approaching the Revenue Authorities and she has to approach the Competent Civil Court of Law for adjudication of the issues. Thus the present writ petition is to be rejected.

8. Considering the arguments, the writ proceedings need not be entertained for the purpose of knowing the fact about classification of the land. If at all the petitioner wants to know classification, she can very well approach the Authorities Competent or by filing an application through Right to Information Act. Even otherwise, if any dispute arises, it is to be resolved through Competent Civil Court of Law and the Writ Court cannot adjudicate such disputed issues.

9. The power of Judicial Review under Article 226 of the



Constitution of India is to be exercised to find out the processes through which a decision is taken by the Competent Authority and not the decision itself. Thus the scope of Judicial Review is to be confined with reference to the fairness of the procedures adopted and the decision taken.

10. In either case, if it is classified as 'Annadeenam land' or otherwise, the petitioner has no objection to establish her title before the Competent Civil Court of Law. For the purpose of getting information regarding the classification, no writ needs to be entertained.

11. The very fact that the petitioner raises doubt that it is not 'Annadeenam land' and that it was erroneously classified as 'Annadeenam' at the instance of the respondents 7 to 11, indicates that the dispute exist in respect of the subject property.

12. That being the factum, the adjudication of disputed facts regarding civil rights in writ proceedings would certainly cause prejudice to either of the parties.



13. The persons claiming title is disrupted on account of interference by any other parties, the option left out is to establish their title before the Competent Civil Court of Law.

14. The writ proceedings cannot be an alternate remedy for the purpose of establishing the title, which is to be done through documents and material evidences available on record.

15. If at all any application is filed seeking patta, no doubt, the said application is to be taken into consideration by following the procedures as contemplated under the Patta Pass Book Act, 1983. The Patta Pass Book Act, enumerates that the holder of title alone is entitled to claim patta.

16. Therefore, if any person submitting an application must be the holder of the land and then alone the Authorities Competent is empowered to grant patta by considering the application. If there is any doubt arises with reference to the classification or otherwise, then the parties are bound to approach the Competent Civil Court of Law.



17. In the present case, it is not a case where the petitioner has filed an application seeking patta. It is a case, where there is an interference at the instance of the respondents 7 to 11, by submitting complaint to the Authorities on the ground that the subject property has been classified as 'Annadeenam land' and it is to be allotted to them

18. That being the factum, the petitioner has to seek the remedy either against the respondents 7 to 11 or against the other parties by approaching the Competent Civil Court of Law in the manner contemplated.

19. With the above observations, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

12-06-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn



To

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S.M.SUBRAMANIAM, J.

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