



WEB COPY

W.P. No.22940 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2023

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.22940 of 2023

and

W.M.P. No.22439 of 2023

D.Jyothi

... Petitioner

Vs.

1. The Government of Tamil Nadu
rep. by its Principal Secretary to Government
Revenue Department
Fort St. George, Secretariat, Chennai - 600 009
2. The Principal Secretary/Commissioner of
Land Administration
Ezhilagam Buildings,
Chepauk, Chennai - 600 005
3. The District Collector
Chennai District
No.62, Rajaji Salai
Singaravelar Maaligai, Chennai - 600 001
4. The District Revenue Officer
Chennai District
No.62, Rajaji Salai,
Singaravelar Maaligai, Chennai 600 001
5. The Revenue Divisional Officer
South Chennai Division
Guindy



6. The Tahsildar
Sholinganallur Taluk
No.3, First Street, Kumaran Nagar,
Rajiv Gandhi Salai, Sholinganallur
Chennai - 600 119

7. Mr.A.Elango

8. Mrs.E.Sarasa (alias) Sarasu

9. Aadithya Homes, rep by its Partner M.Sridhar
Plot No.1477, S-1, Halborn Square Apartments,
3rd Street, Ram Nagar, North Extension,
Madipakkam, Chennai - 91

10.Mrs.B.Padma Mala

11.Mr.R.Hari Ram

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue writ of Certiorari to call for records culminating in the order dated 03.07.2023 passed by the 4th respondent in J7/25304/2022 and quash the same.

For Petitioner : Mr.Athiban Vijay A.K.

For Respondents : Mr.V.Arun
Additional Advocate General
assisted by Mr.R.Kumaravel
Additional Government Pleader for
R1 to R6
M/s.Sithirai Anandam for
R10 and R11
Mr.P.G.Madhan Kumar for R9
R7 and R8 -No Appearance

ORDER



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This Writ Petition is filed for a writ of Certiorari to call for records culminating in the order dated 03.07.2023 passed by the 4th respondent in J7/25304/2022 and quash the same.

2. The contention of the petitioner is that someone has encroached his plots and all the plots situated in the lay out. Therefore, they approached the Tasildhar/6th respondent to conduct survey and the Tahisldar also conducted survey and filed a report about the encroachment. As per records, they are having extent of land in one end and as per physical possession, they are enjoying the other end of the lands also. Therefore, the physical possession as well as their title are not tallied with each other and due to the mistake committed by the revenue authorities, they are not able to identify and locate the actual possession in consonant with their title. Though the Tahsildar found the encroachment, when the order was challenged before the 5th respondent/the Revenue Divisional Officer, the Revenue Divisional Officer also concurred with the views of the 6th respondent/Tahsildar. However, the private respondents, with influence, approached the 2nd respondent and consequently the 4th respondent/District Revenue Officer passed the impugned order. It is an approved lay out and therefore, the official



respondents are liable to ratify the mistakes in the revenue records. Unless it is ratified, right of the petitioner would be prejudiced. Therefore, the impugned order is liable to be set aside.

3.Mr.V.Arun, Additional Advocate General assisted by Mr.R.Kumaravel Additional Government Pleader for R1 to R6 submitted that already the petitioner has approached the Civil Court which is the competent forum to decide the right and possession and he has also obtained an interlocutory order. However, suppressing the same, he has filed the present writ petition.

4. At this juncture, the learned counsel for the petitioner submitted that even in the petition itself, the petitioner has mentioned about the civil suit filed by the petitioner and obtaining of the interim injunction and he has not suppressed the same. The learned counsel further submitted that unless the revenue records are ratified, he cannot succeed in the Civil Suit.

5. The petitioner himself has stated that the promoter has not divided the lands as per the approval and therefore, all the plot owners are actually not enjoying as per approval of the plan and hence the exact lands has to be



located as per their documents. The same cannot be decided by the Writ Court from the affidavit of the parties as it is involved title and possession and extent of land which requires detailed investigation/trial.

6. Since the petitioner has already approached the Civil Court and filed a Civil Suit and the 6th respondent/Tahsildar has already been added as one of the defendants in the Civil Suit, the petitioner is at liberty to work out his remedy in the Civil Suit.

7. The Civil Court is directed to conduct trial in a fair manner and decide the matter independently without any influence over the observations made by the respondents 4 to 6 herein.

8. With the above directions, this Writ Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. There shall be no order as to costs.

07.11.2023

ksa-2

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



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ksa-2

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