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W.P.Nos.10026, 6542, 6547, 6548, 6  
6552, 6555 and 10036 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 22.08.2023**

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**W.P.Nos.10026, 6542, 6547, 6548, 6551,**  
**6552, 6555 and 10036 of 2023**  
**and**

**W.M.P.Nos.6617, 6625, 6631, 6626, 6619, 6611,**  
**10073, 70074, 10080 and 10081 of 2023**

**W.P.No.10026 of 2023**

C.Sivarameshwar

...Petitioner

Vs.

1.The District Revenue Officer,  
Thiruvallur District,  
Office of the District Collector,  
Thiruvallur District.

2.The Revenue Divisional Officer  
cum Sub Collector,  
Ambattur Division,  
[Formerly Ponneri Division, Ponneri  
Thiruvallur District],  
Ambattur, Chennai – 600 053.

3.The Tahsildar,  
Poonamallee Taluk  
[Formerly Maduravoyal Taluk  
Previous Ambattur Taluk],  
Poonamallee, Chennai – 600 056.

...Respondents



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**Prayer:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 17.08.2018 passed by the first respondent Ref.Rc.No.9059/2017/B1 and quash the same and consequently direct the respondents to restore Patta No.494 in favour of the petitioner in all revenue records.

For Petitioner  
in all W.Ps.

: Mr.S.Thanka Sivan

For R1 to R3  
in all W.Ps.

: Mr.T.Arun Kumar  
Additional Government Pleader

### **COMMON ORDER**

The order passed by the District Revenue Officer, Thiruvallur in proceeding dated 17.08.2018 is under challenge in the present writ petitions.

2.The petitioners state that they are the absolute owners of the land morefully described in the respective affidavits filed in support of the writ petitions. The petitioners state that they acquired title based on the vendors respective title and they hold the parent documents to establish their property right.



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3.The learned counsel for the petitioners states that the properties are transacted for several years and the petitioners are the title holders and the authorities without considering those documents have passed the impugned order cancelling the patta that stood in the name of the writ petitioners.

4.The learned Additional Government Pleader raised an objection that the properties falling under the Inam Abolition Act and the original records were verified by the authorities competent and found that the petitioners and their vendors have encroached upon the Government poromboke lands. The subject properties are situated in the banks of Koovam river and are classified as 'Government porombake-Koovam'. Thus the continuous alienation of property by several persons would not confer any title on the writ petitioners and they are liable to be evicted under the provisions of the Land Encroachment Act. The District Revenue Officer has elaborately considered these issues and rejected the claim of the writ petitioners for grant of patta.

5.The learned counsel for the petitioners made a submission that the respondents did not provide an opportunity to the writ petitioners to place all



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the documents for the purpose of forming an opinion. Thus the order impugned itself is in violation of the principles of natural justice.

6.This Court is of the considered opinion that remanding the matter back to the authority would do no service to the cause of justice in the cases of this nature. Ultimately, the documents are to be scrutinized carefully by the competent authorities and the petitioners have to establish their civil rights in respect of the subject property. Such an elaborate adjudication cannot be conducted by the revenue authorities under the provisions of the Tamil Nadu Patta Passbook Act, 1983.

7.High Court cannot adjudicate the disputed issues of civil nature and the power of judicial review under Article 226 of the Constitution of India cannot be expanded for the purpose of conducting a roving enquiry regarding the title of an immovable property. Such an adjudication must be done before the competent civil court of law based on the original documents and evidences available on record. In the present case, the revenue authorities are also incompetent to declare the title or ownership in respect of the subject property. However the authorities are empowered to initiate actions based



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on the documents available on record in respect of the Government poromboke lands or water bodies as the case may be. Such statutory powers conferred on the authorities under the relevant statutes and rules need not be interfered by the Courts. Any person claiming title or ownership is at liberty to approach the competent civil court of law for the purpose of establishing their title. As far as the claim of the Government is concerned, the learned Additional Government Pleader states that the subject land has been classified as Government Poromboke-Koovam. Koovam is a river and a water body. If it is a water body, then eviction of the encroachers are inevitable. All such factors are to be ascertained by the competent authorities at the time of initiation of further action under the relevant statutes and rules in force. As far as the petitioners are concerned, they are claiming title and ownership, if so they are at liberty to approach the civil court of law to establish their case based on documents and evidences.

8.The factum established would be sufficient to form an opinion that the disputed issues of civil nature involved in the present case cannot be adjudicated in the present writ petition and thus the petitioners are at liberty to approach the competent civil court of law for the purpose of establishing



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their civil rights.

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9. With these observations, the writ petitions are dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

**22.08.2023**

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Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-Speaking Order



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**S.M.SUBRAMANIAM, J.**

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