



WEB COPY

WP No.28225 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06-07-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.28225 of 2017

And

WMP Nos.30346 and 30347 of 2017

Mr.K.Mohammed Ghani

... Petitioner

Vs.

1.The Revenue Divisional Officer,
5-73, SH 112, Gandhi Nagar,
Anna Nagar,
West Extension,
Chennai-600 040.

2.The Tahsildar,
Tiruvallur High Road,
Gandhi Nagar,
Ambattur,
Chennai-600 053.

3.The Assistant Taluk Inspector,
Tiruvallur High Road,
Gandhi Nagar,
Ambattur,
Chennai-600 053.



4. The Zonal Deputy Tahsildar,
Tiruvallur High Road,
Gandhi Nagar,
Ambattur,
Chennai-600 053.

5. The Village Administrative Officer,
Tiruvallur High Road,
Gandhi Nagar,
Ambattur,
Chennai-600 053.

6. Mr. Mukundan, K.P.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records pertaining to impugned notice issued by the first respondent in Na.Ka.No.1444/2017/A2, dated 28.08.2017 and to quash the same.

For Petitioner : Mr.M.Mukilan for
Mr.M.Vivekanandan

For Respondents-1 to 5 : Mr.C.Jayaprakash,
Government Advocate.

For Respondent-6 : Mr.B.Harikrishnan

ORDER

The enquiry notice issued by the first respondent-Revenue



Divisional Officer, Ambattur in proceedings dated 28.08.2017, is sought to be quashed in the present writ petition.

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2. The petitioner states that he is the absolute owner of the subject property described in the present writ petition.

3. The learned counsel for the petitioner mainly contended that civil suit has been instituted by the sixth respondent along with other parties for permanent injunction. The petitioner side also filed his civil suit. Therefore, the Authorities cannot conduct an enquiry.

4. In respect of patta proceedings, the Authorities Competent are empowered to conduct an enquiry by following the procedures as contemplated under the Patta Pass Book Act, 1983. As per the Act, the Revenue Authorities are not empowered to adjudicate the title disputes. However, if there is any fraud or otherwise with reference to the patta granted, then they are empowered to conduct an enquiry and pass appropriate orders on merits and in accordance with law. More-so, the civil suits instituted are only for injunction and there is no relief for declaration



that title or otherwise.

5. That being the factum, the petitioner is at liberty to participate in the enquiry proceedings and the Revenue Divisional Officer, Ambattur shall conduct enquiry by affording opportunity to all the parties concerned for disposal of the application as expeditiously as possible.

6. With the above liberty, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are also dismissed.

06-07-2023

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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