



W.A.No.885 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.A.No.885 of 2023
against
W.P.No.33810 of 2019
and
C.M.P.No.8810 of 2023

1. The District Revenue Officer,
Krishnagiri.

2. The Sub Collector,
Sub Collector Office,
Hosur,
Krishnagiri District.

3. The Tahsildar,
Hosur Taluk,
Krishnagiri District.

... Appellants/Respondents

Vs.

Ellappa @ Lingappa

... Respondent / Petitioner

Prayer :- Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 23.12.2021 made in W.P.No.33810 of 2019 and allow this writ appeal.



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For Appellants : Mr.A.Selvendran,
Special Government Pleader

For Respondent : Mrs.Kalyani Kailasam

J U D G E M E N T

(Judgement of the Court was delivered by S.M.Subramaniam J.)

The Intra Court Appeal on hand has been instituted against the order dated 23.12.2021, passed in W.P.No.33810 of 2019. The respondents in the writ proceedings are appellants before us.

2. The respondent submitted a representation to the Sub Collector, Hosur, Krishnagiri District for grant of patta. An inquiry was conducted and the authorities competent found that no reliable records or document were filed by the respondent and accordingly, rejected the request of the petitioner in proceeding dated 12.08.2016. An Appeal was preferred before the District Revenue Officer (D.R.O.). The D.R.O. conducted an inquiry and even during the appeal proceedings, the respondent had not furnished any title deed, revenue records or any documents to establish the claim of the respondent. Thus, the D.R.O. rejected the appeal in proceeding dated 04.06.2018.



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3. Thereafter, the writ petition in W.P.No.17684 of 2018 came to be instituted by the respondent. The Writ Court allowed the writ petition by issuing direction to the District Revenue Officer, Krishnagiri District, to reclassify the subject land to an extent of 4.24 acres, comprised in Survey No.757 of Mookondapalli Village, Hosur Taluk, Krishnagiri District, as “patta land” and ordered to issue patta in favour of the petitioner and other legal heirs, in respect of the property to an extent of 4.24 acres, comprised in Survey No.757 of Mookondapalli Village, Hosur Taluk, Krishnagiri District, within a period of four (4) weeks from the date of receipt of a copy of the writ order.

4. The learned Special Government Pleader, Mr.A.Selvendran, would submit that the subject property extending to an extent of 4.24 acres is a valuable land falling within the Municipal area of Hosur town. Such lands cannot be assigned by the competent authorities and the land, being a Government land, is to be utilised for public purposes. In the present case, both the Sub Collector in the Original proceedings and the District Revenue Officer in the Appellate proceedings, rejected the claim of the respondent, mainly on the ground that they have not produced any title



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documents or revenue records to establish their claim. Thus, the learned Judge has not considered these aspects and issued a direction to reclassify the land as “patta land” and to grant patta in favour of the respondent, within a period of four (4) weeks.

5. The learned counsel for the respondent Tmt.Kalyani Kailasam would oppose the said contention by stating that the respondent is in possession of the subject property. The respondent has produced sale deeds to establish his title. Based on the documents, the learned Single Judge allowed the writ petition. Thus, the writ appeal is to be rejected.

6. We are of the considered opinion that the power of Judicial Review of the High Court, under Article 226 of the Constitution of India, is to ensure the processes through which a decision has been taken by the competent authority in consonance with the statutes and rules in force, but not the decision itself. Expansion of the scope of judicial review may result in miscarriage of justice. This exactly is the reason why the disputes of civil nature cannot be adjudicated in a writ proceedings. Such adjudications require trial natured proceedings and thus, parties are to be relegated to approach the competent Civil Court of law.



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7. In the present case, both the Sub Collector and the District Revenue Officer has conducted inquiry and found that the respondent has not produced any title document or the revenue records for the purpose of grant of pata. The land has been classified as “Anadinam”. “Anadinam” lands which all are not supported with any document or revenue records in favour of any individuals or no claims are made, then the Government has to regulate such lands by following the procedures contemplated under the Board Standing orders. Such lands, where there is no claim, have to be utilised for public purposes and a person claiming any right has to establish his title through documents and by producing revenue records.

8. In the present case, no such document has been produced by the respondent to the satisfaction of the competent authorities. Thus, the claim of the respondent was rejected both by the Sub Collector and the District Revenue Officer. The learned Special Government Pleader would submit that regarding the lands situated in the urban area, within the municipal limits of Hosur town, there is a ban for assignment of such lands in favour of individuals by the Government. Beyond this, the classification of “Anadinam” is available in the revenue records from the year 2014



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onwards. Therefore, there is no reason to direct the authorities to reclassify the land as “patta land”. Thus, a direction issued by the Writ Court is beyond the power of judicial review conferred under Article 226 of the Constitution of India. Therefore, we are inclined to interfere.

9. Accordingly, the order dated 23.12.2021 in W.P.No.33810 of 2019 is set aside and Writ Appeal stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.J.,)

(K.R.S.J.,)

19.02.2024

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

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S.M.SUBRAMANIAM, J.

and

K.RAJASEKAR, J.

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