



WEB COPY

W.P. No.2356 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.2356 of 2024

DR.M.Shalini

... Petitioner

Vs.

1. The State of Tamilnadu
rep. by its Secretary to Government
Revenue Department
Secretariate, Chennai - 600 009
2. The Additional Chief Secretary and
the Commissioner for Land Administration
Chepauk, Chennai - 600 005
3. The District Revenue Officer
District Collector Complex
Krishnagiri - 635 001
4. The Tahsildar
Hosur Taluk

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Certiorarified Mandamus to call for the records in respect of the impugned orders passed by the 3rd respondent in U.மு.30030/2021/௯௨2,



dated 18.11.2023, against the petitioner, quash the same and direct the respondents to cancel the bogus entry made by the Revenue Department granting Patta No.2196 to the fictitious and unknown person viz. Srinivasan, S/o.Narayanappa in the land owned by the petitioner in Survey No.818/1A in Onnalavadi Village, Hosur Taluk, Krishnagirir District and issue Patta to the petitioner for the said land property within a specified period.

For Petitioner : Mr.A.Ganesan

For Respondents : Mrs.V.Yamunadevi
Special Government Pleader

ORDER

This Writ Petition is filed seeking a Writ of Certiorarified Mandamus to call for the records in respect of the impugned orders passed by the 3rd respondent in U.µ.30030/2021/62, dated 18.11.2023 against the petitioner, quash the same and direct the respondents to cancel the bogus entry made by the Revenue Department granting Patta No.2196 to the fictitious and unknown person viz. Srinivasan, S/o.Narayanappa in the land owned by the petitioner in Survey No.818/1A in Onnalavadi Village, Hosur Taluk, Krishnagirir District and issue Patta to the petitioner for the said land property within a specified period.



2. The learned counsel for the petitioner submitted that in the year 2005, during UDR, the name of one Srinivasan S/o.Narayanappa was incorporated in the Patta No.2196 in Survey No.818/1A which belongs to the petitioner. Hence, the petitioner made a petition to the District Collector requesting to remove the bogus Patta entries in the land records related to the petitioner's property in the said Survey Number and to issue Patta in her name. Though the 4th respondent/Tahsildar furnished a report justifying the petitioner's request and recommended to issue Patta to the petitioner by removing the name of said Srinivasan/S/o.Narayanappa, the Sub-Collector, Hosur, did not consider the petitioner's request and rejected her claim for the reason that one Tmt.Ellamma has filed a suit in O.S.No.2/2021 against 19 private persons and another suit in O.S.No.25/2021 filed by the petitioner against the said Ellamma and others are pending before the District Court, Hosur, and also in compliance with the circular issued by the 2nd respondent dated 13.03.2018 by proceedings dated 23.09.2021. Aggrieved by the same, the petitioner filed an appeal before the DRO/3rd respondent herein and the



3rd respondent also rejected the claim of the petitioner suggesting the petitioner to approach the Civil Court by proceedings dated 18.11.2023.

Challenging the same, the present writ petition is filed.

3. Mrs.V.Yamunadevi, learned Special Government Pleader takes notice for the respondents.

4. It is seen that both the Sub Collector and the DRO have quoted the the circular in Ref.No.K3/27160/2008 dated 13.03.2018 wherein it is has been directed that “ if any appeal or revision is filed before the revenue Officer of District Revenue Officer respectively, the authority concerned should ensure that there is no civil suit pending over the disputed land” and therefore, they have directed the petitioner to work out her remedy before the Civil Court since already Civil Suits were pending in O.S.No.02/2021 and O.S.No.25/2021 in respect of the subject land and that they have not stated anything about the merits of the case.



5. Admittedly, Civil Suits in O.S.No.2/2021 and O.S. No.25/2021 are pending in respect of the said land in which, O.S.No.25/2021 has been filed by the petitioner for injunction. Since, already a Civil Suit is pending, the petitioner can very well establish her right and title before the Civil Court and after the disposal of the suit, she can approach the revenue authorities for Patta.

6. This Court does not find any perversity, illegality or infirmity in the impugned order passed by the 3rd respondent.

7. With the above observations, this Writ Petition is disposed of. No costs. The petitioner is at liberty to work out her remedy before the Civil Court and she can approach the revenue authorities after the outcome of the the Civil Suit.

02.02.2024

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

1. The Secretary to Government
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District Collector Complex
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P.VELMURUGAN. J.

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