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W.P.No.9155/2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 02-04-2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.9155 of 2023

M.R.Magesh

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Petitioner

-VS-

1.The District Collector,
Collector Office, Chennai,
Singaravelan Malligai,
No.62, Rajaji Salai,
Chennai – 600 001.

2.The Revenue Divisional Officer,
South Chennai Taluk,
Guindy, Chennai – 600 032.

3.The Tahsildar,
Mylapore Taluk Office,
Raja Annamalaipuram,
Chennai – 600 028.

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Respondents

Writ Petition under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus to call for the records on the file of first respondent made in Na.Ka.N.J7/19869/2021, dated 12.10.2022, and quash the same and pass suitable orders directing the respondents to issue patta in favour of the petitioner in respect of the property situated at No.13/7, Raji Naicker Street, Teynampet, Chennai-600 018, comprised in R.S.No.3780, measuring 3355 sq.ft. of land.



For Petitioner : Mr.R.Sivaraman
for Mr.Hasmukh S.Surana

For Respondents : Mr.P.Gurunathan,
Addl.Govt.Pleader.

ORDER

A challenge has been made to the impugned order, dated 12.10.2022, wherein the District Collector has dismissed the representation of the petitioner for grant of patta.

2. Petitioner has filed the application before the District Collector for grant of patta in his favour. According to him, he is the absolute owner of the property and in possession of the same from the year 1971.

3. By the impugned order, dated 12.10.2022, the request of the petitioner has been rejected by the District Collector, holding that the property in question stands in the name of Thiruvalluvar Nayanar Temple and, therefore, patta cannot be transferred in the name of the petitioner.

4. On the previous occasion also, the petitioner filed W.P.No.18504 of 2021 and this Court, by an order, dated 04.10.2021, recording the stand of the respondents that the land has been converted as a ryotwari land and Thiruvalluvar Nayanar Temple is the original owner, directed the District Collector to consider the



representation of the petitioner and pass orders on merit. Pursuant to the said direction, the respondent has passed the impugned order, which is challenged in this Writ Petition.

5. According to the learned counsel for the petitioner, he is the absolute owner of the property and, therefore, patta has to be transferred in favour of the petitioner and no opportunity has been given to the petitioner at the time of passing the impugned order.

6. When the revenue records show a cloud over the title, the petitioner cannot repeatedly file Writ Petitions, seeking for a direction to consider his representations. Once the cloud over title is shown in the revenue records and the temple appears to be the owner of the property, it is for the petitioner to establish that the property is a private land and it belongs to him, by approaching a Civil Court. Every time, he cannot seek the relief by invoking the jurisdiction of Article 226 of the Constitution of India since the matter involves disputed questions of facts also.

7. It is also made clear that the order of the respondent touching upon the title over the immovable properties will not bind any parties. This Court is of the firm view that the District Collector or the Revenue authorities have no power to decide the title of the property, particularly, when there is a dispute. Let the parties agitate their respective title before the Civil Court.



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8. I do not find any infirmity in the impugned order passed by the first respondent. Accordingly, this Writ Petition is dismissed. No costs. Consequently, the connected W.M.P.No.9288 of 2023 is closed.

02-04-2024

Index : Yes/No
Internet : Yes/No

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To

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N.SATHISH KUMAR, J.

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