



W.P. No.11908 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.11908 of 2018

R.Dhanabal

... Petitioner

Vs.

1.The District Revenue Officer,
Kancheepuram District,
Kancheepuram.

2.Tmt. Geetha

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records, relating to the order of the first respondent in Pro.Na.Ka No.907/2016/N4, dated 11.05.2017, to quash the same consequently direct the 1st respondent to issue patta to the petitioners name in respect of landed property of 02.86 acres in S.No.489/2 in Cheyyur B Block Village Cheyyur Taluk, Kancheepuram District

For Petitioner : Mr. P. Murali

For Respondents : Mr. T. Arun Kumar,
Additional Government Pleader. (for R1)
: Mr. L. Uthayakumar (for R2)



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ORDER

This Writ Petition is filed seeking to issue to a Writ of Certiorarified Mandamus, to call for the records, relating to the order of the first respondent in Pro.Na.Ka No.907/2016/N4, dated 11.05.2017, to quash the same, consequently, direct the 1st respondent to issue Patta in the name of petitioner in respect of landed property of 02.86 acres in S.No.489/2 in Cheyyur B Block Village Cheyyur Taluk, Kancheepuram District.

2. The case of the petitioner is that on 02.09.2011, he had applied to the Tahsildar, Cheyyur Taluk, for transfer of Patta in respect of the landed properties of 1.04 acres in his name. Again, on 10.01.2012, when he had applied, he was informed by the Tahsildar that during UDR, Patta had been issued in the name of one Geetha W/o.Moorthy and that the Tahsildar has no power to make transfer or make corrections in the Patta that is empowered to direct corrections in the Patta in such cases. Hence, the petitioner made a representation to the 1st respondent to conduct enquiry



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and issue Patta in his favour, whereas, the 1st respondent rejected the claim of the petitioner and passed the impugned order. Hence, challenging the same, the present writ petition is filed.

3. Heard both sides and perused the materials available on record.

4. Though the petitioner submitted that he purchased the subject property from one Anjalai Ammal, in the impugned order itself it is clearly stated that the parties have not established with relevant documents as to how the said Anjalai Ammal got the property. Further, the petitioner himself has stated that prior to UDR, his name was there and subsequent to UDR only, the property was wrongly mutated in the name of the 2nd respondent. The UDR scheme came during the year 1984-85. But the petitioner has filed the present Writ Petition only in the year 2018. If a person who is in possession of a property for more than 12 years, he can claim right and title over the said property under adverse possession. In this case, whether the petitioner has got right in the property in question or



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not which can be decided only by the Civil Court and not by the Writ Court or revenue authorities. When the petitioner himself admitted that only after the date of UDR, the property was mutated in the name of the 2nd respondent, it is for the petitioner to establish that on the date of UDR he was in possession of the property in question. But from the year 1984 to till 2018, the petitioner did not challenge the same. Even he has sent the the representation to the official respondent only on 13.12.2012 and the Advocate notice was sent only on 03.01.2016 which is after 30 years from the date of UDR.

5. Under these circumstances, the petitioner is not entitled for the relief sought for. However, the petitioner is at liberty to work out his remedy before the Civil Court by establishing his right and title over the property and after getting orders from the Civil Court, he can approach the revenue authorities.



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6. Accordingly, this Writ Petition is dismissed. No costs.

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Index : Yes / No

Speaking Order : Yes / No

Neutral Case Citation : Yes/No

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To

The District Revenue Officer,
Kancheepuram District,
Kancheepuram.



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P.VELMURUGAN. J.

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