



W.P.No.17175 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.11.2024

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 17175 of 2024

&

W.M.P.No.18956 of 2024

Araya Samaj Central Trust Board,
Represented by its Trustee Mr.Vikas Arya,
212-213, Avvai Shanmugam Salai,
Gopalapuram, Chennai – 600 086.

...Petitioner

Vs.

1.The District Collector
Fourth Floor, M. Singaravelar Maaligai,
62, Rajai Salai, Chennai Collectorate,
Chennai - 600 001

2.The District Revenue Officer
47/8 Venkatesan St, West,
Tambaram
Chennai 600 045

3.The Revenue Divisional Officer
South Chennai Division, Guindy,
Chennai 600 032



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4.The Tahsildar Sholinganallur
No 1, 1st Cross Street,
New Kumaran Nagar, Sholinganallur
Chennai 600 119

5.G. Girija

...Respondents

Prayer: Writ Petition is filed under Article 226 to issue a Writ of Certiorari calling for the entire records of the order passed by the 2nd respondent in Ref. No J 11 / e-1552605 / 2018 dated 31.05.2024 and quash the same.

For Petitioner : Mr. M.Venkata Varadhan
For Mr. N.Jayakumar

For Respondents : Mr. A.Selvendran
1 to 4 Special Government Pleader.

For Respondent 5: No Appearance.

ORDER

Challenging the order passed by the 2nd respondent dated 31.05.2024 in Ref. No J 11 / e-1552605 / 2018, in and by which he has upheld the order passed by the 3rd respondent, the petitioner is before



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this Court. The brief facts which are essential for disposing of the above Writ Petition are as follows.

2. The petitioner Samaj is the absolute owner of the subject property, measuring an extent of 20 cents by virtue of a registered sale deed dated 30.10.1997, registered as a Document No.4399 1997 on the file of the District Registrar, Chennai South. After the purchase, the petitioner had approached the Tasildhar, the 4th respondent to transfer patta in their name.

3. The 4th respondent on being satisfied with the right of the petitioner had granted patta in their favour. The petitioner had also purchased the other adjacent parcels of the land and constructed compound wall covering the entire extent and the subject property is situate at the middle of the entire extent. For over 20 years, there has been no claim to the property.



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4. While so, the 5th respondent claiming to have a prior registered sale deed in her favour submitted a petition under Section 48 of the Registration Act. The 5th respondent instead of approaching the Civil Court for establishing her title which for the last 20 years has been lost to her has used the Revenue Department to achieve her end.

5. The 5th respondent filed a petition for cancellation of patta issued in the name of the petitioner pursuant to the sale deed of the year 1997. Despite objections submitted by the petitioner that the revenue officials cannot go into the question of title, the 3rd respondent passed an order inter alia deciding the title to the property.

6. Challenging the said order, the petitioner had filed an appeal before the 2nd respondent, which is also dismissed and orders of the 3rd respondent confirmed. Challenging the same, the petitioner is before this Court.



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7. The learned counsel for the petitioner would submit that the petitioner Trust have been in possession of the property along with other properties for over 20 years and there has been absolutely no challenge to the same. The learned counsel for the petitioner would submit that the complaint of the 5th respondent does not whisper as to why it had taken the 5th respondent, 28 years to come with the above application.

8. Per contra, the learned Special Government Pleader would submit that there is a sale deed in favour of the 5th respondent which proves her title to the property in question. On the said basis, the patta has been cancelled.

9. Heard the learned counsels on the either side and perused the records.



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10. Admittedly, there is a serious dispute with reference to the title of the property in question. That apart, the petitioner has purchased the property and has been in exclusive possession and enjoyment of the same since 1997. The 5th respondent has not raised any protest to the same.

11. The petitioner has submitted that the entire subject property as well as adjacent properties are all enclosed within a compound wall. If the 5th respondent was in possession of the property, she would have objected to the compound wall being put up and she would have not waited till 2023 to challenge the patta which has been granted in the year 1997.

12. Rule 4 (4) of the Tamil Nadu Patta Pass Book Rules, 1987, provides that if there is a dispute over the ownership of a land between parties, the Tahsildar should direct the parties to get an order on the ownership from a competent Civil Court. This is because the Tahsildar



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is not authorized to adjudicate on a title dispute. The Revenue Authorities have now exercised the jurisdiction of the Civil Court and has decided title. Therefore, the impugned order cannot be sustainable.

13. Accordingly, the Writ Petition is allowed. The impugned order is set aside. Consequently, the connected miscellaneous petition is closed. No costs.

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Index : Yes/No
Internet : Yes/No
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