IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.11.2024

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 35470 of 2024
&
W.M.P.No. 38372 of 2024

Kamala Rajaguru ...Petitioner

Vs.

1.The District Revenue Officer
Office of the District Revenue Officer,
Chengalpattu.

2.The Tahsildar
Pallavaram Taluk,
Chennai.

3.Revathi ...Respondents

Prayer: Writ Petition is filed under Article 226 to issue a Writ of Certiorari, calling for the records pertaining to the order passed in Na.Ka. No. 14673/ 2023/A4 dated 27.05.2024 by the District Revenue Officer, Chengalpattu.

For Petitioner	:	Mr. C.Rajakumar
For Respondents	:	Mr. A.Selvendran Special Government Pleader.

ORDER

The petitioner seeks to quash the order passed by the 1st respondent dated 27.05.2024.

2. It is the case of the petitioner that the subject property belonged to one Chinnamal W/o Vellai Naicker, which was inherited by her only daughter Leelavathy. The property in question measures an extent of 21 cents and is comprised in Old S.No.204/7, New S.No.204/7B, Zamil Pallavaram Village. The property was originally the ancestral property of the said Chinnamal.

3. The revenue records stood in the name of the said Chinnamal as well as Leelavathy. The tax and other outgoings were paid by the said Leelavathy and the SLR entries in respect of the above survey

number stood in the name of Leelavathy. She was granted patta in Patta No.435, on the introduction of the Town Settlement in Pallavaram Village.

4. Thereafter, a portion of the property was acquired by the Government of Tamil Nadu for forming a highway and compensation was also paid to the said Leelavathy and her mother Chinnamal. Leelavathy had executed a power of attorney in favour of one Dhanasekaran, who sold an extent of 2620 sq.ft., of vacant land to one C.K.Sampath Kumar under a registered sale deed dated 21.02.1999. The revenue records were accordingly mutated in his name and he was in possession of the property. The said C.K.Sampath Kumar inturn had executed a power of attorney in favour of the petitioner's husband, T.Rajaguru, authorising him to alienate the property.

5. The petitioner's husband thereafter executed a registered sale deed in favour of the petitioner on 26.02.2009. After the purchase, the petitioner has been in exclusive possession and enjoyment of the

property. The petitioner would submit that after her purchase, she had applied for mutation of revenue records.

6. The Special Tahsildar, Natham Settlement, by his order in Rc.No.1475/2015 (B) dated 15.09.2017, directed the land in T.S.No.8 of Block No.37, Ward No.B, Zamin Pallavaram Village, to be registered in the petitioner's name to an extent of 0.0244 sq.mts,. The remaining extent of 0.0606 sq.mts., was directed to be registered in the name of Leelavathy after subdividing the land.

7. The entries were subsequently computerised by the Revenue Divisional Officer, Tambaram, and through an order dated 07.03.2023 the computerised patta was issued in the name of the petitioner. Meanwhile, the petitioner was served with a notice from the 1st respondent stating that an appeal had been filed by the 3rd respondent seeking cancellation of patta in the petitioner's name.

8. The 3rd respondent had claimed that it was her grand mother, V.Chinnammal W/o Venkatasamy, who was the owner of the property. This statement is a blatant falsehood. The document which was submitted by the 3rd respondent was never given to the petitioner by the 1st respondent. Ultimately, the impugned order came to be passed.

9. Challenging the said order, the petitioner is before this Court.

10. It is brought to the notice of this Court that the 3rd respondent herein had moved W.P.No.25432 of 2024, before this Court seeking to quash the order passed by the 1st respondent dated 15.06.2024 in his proceedings bearing Na.Ka.No.14673 / 2023 / A4. The ground on which the above order was challenged was that the 3rd respondent had filed an appeal before the Revenue Divisional Officer, Tambaram, Chengalpattu District, questioning the issue of patta in favour of the petitioner herein. The Revenue Divisional Officer had dismissed the appeal. As against the dismissal order, the 3rd respondent had preferred

a revision before the 1st respondent herein and by order dated 27.05.2024, the 1st respondent had allowed the revision filed by the 3rd respondent and cancelled the patta issued in favour of the petitioner herein.

11. The petitioner appears to have filed another revision before the District Collector, Chengalpattu and the District Collector had allowed the petitioner's revision. This Court taking into account the fact that no provision for review has been contemplated under the Patta Passbook Act, had directed the parties, particularly the petitioner herein to have the grievance redressed by the Civil Court.

12. Now the petitioner has simultaneously challenged the order by filing the present Writ Petition. The records would indicate that the affidavit has been signed by the petitioner on 18.06.2024 and the Writ Petition has been filed on 26.09.2024 and brought up for admission today.

13. The dispute between the two primarily appears to be on the identity of the original owner. The issue to be decided is *Whether the property belonged to one Chinnamal wife of Vellai Naicker or Chinnammal wife of Venkatasamy?*

14. The said issue cannot be decided by the revenue authorities or by this Court exercising jurisdiction under Article 226 of the Constitution of India. The remedy available to the petitioner is to approach the Civil Court.

15. Therefore, in the light of the above, the Writ Petition is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

22.11.2024

Index : Yes/No
Internet : Yes/No
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To

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