



W.P.No.34252 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.34252 of 2023

S.Bhuvaneshwari

.. Petitioner

VS

- 1.The District Collector,
Collectorate Office,
Thiruvallur-602 001.
- 2.The District Revenue Officer,
Collectorate Office,
Thiruvallur-602 001.
- 3.The District Registrar,
Registration Department,
Veeraraghava Nagar,
Thiruvallur-602 001.
- 4.The Revenue Divisional Officer,
Revenue Divisional Office,
Ponneri-601 204,
Thiruvallur District.
- 5.The Tahsildar,
Taluk Office,
Ponneri-601 204, Thiruvallur District.



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6.The Sub Registrar,
Sub Registrar Office,
No.2, Soothupakkam, Redhills Road,
Palavayal, Chennai-600 052.

7.The Sub Registrar,
Sub Registrar Office,
Thiruvottiyur,
Chennai-600 019.

8.The Block Development Officer/Commissioner,
Sholavaram Panchayath Union,
Ponneri Taluk, Thiruvallur District.

9.Gebilal Alias B.Shanthilal

10.Kanchan

11.B.K.Vimalchand

12.K.Abhaya Kumar

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the second respondent to cancel the Patta No.5957 illegally obtained by the 12th respondent in pursuance to the petitioner representations dated 6.9.2023 and 19.9.2023 respectively and consequently restore the pond in Survey No.46 situated at Perungavur Village, Vichur Post, Ponneri Taluk, Thiruvallur District to its original condition as found in the record of the revenue Revision Survey and Re-Settlement Register (RSRS) of the Perungavur Village.

For the Petitioner : Mr.K.Ezhumalai

For the Respondents : Mr.K.Karthik Jegannath
Government Advocate
for respondents 1 to 8

: Mr.R.Thiagarajan
for respondents 11 and 12



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ORDER

(Order of the court was made by the Hon'ble Chief Justice)

We have heard Mr.K.Ezhumalai, learned counsel for the petitioner; Mr.K.Karthik Jegannath, learned Government Advocate for respondents 1 to 8; and, Mr.R.Thiagarajan, learned counsel for respondents 11 and 12.

2. Learned Government Advocate has placed on record the counter-affidavit filed by the fifth respondent.

3. The whole dispute is with regard to Survey No.46 to an extent of 2.36 acres. As per the contention of the writ petition, Survey No.46 is Kulam (Pond). However, patta also stands in the name of the private respondents. As per the counter-affidavit filed by the fifth respondent, the Revenue Divisional Officer is seized with the matter and is making enquiry.

4. As the Revenue Divisional Officer is already seized with the matter as contended by learned Government Advocate, we are not



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required to go into the merits of the matter and pass orders in the matter. It is for the Revenue Divisional Officer to decide the matter in accordance with law, of course, after following the principles of natural justice.

5. With the above observation, the writ petition stands disposed of. There shall be no order as to costs. In view of the disposal of the writ petition, W.M.P.No.9031 of 2024 filed by the petitioner to substitute the legal representatives of respondent No.9 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

27.03.2024

Index : Yes/No
Neutral Citation : Yes/No
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THE HON'BLE CHIEF JUSTICE
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