



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.06.2017

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P (MD) No.11730 of 2017

and

WMP (MD) .No.9035 of 2017

L.Muthu

..Petitioner

Vs

1.The Additional Chief Land Administration Commissioner,
Land Administration Commission,
Ezhilagam, Chempauk,
Chennai - 5.

2.The District Revenue Officer,
Dindigul District,
Dindigul.

3. R.Alagumalai

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records of the impugned order passed by the 1st Respondent in K4/11552/2016 dated 27.03.2017 confirming the order of the 2nd Respondent in his proceedings in Na.Ka.No.35725/2015/Aa4 dated 23.05.2016 and quash the same is illegal and consequently direct the Respondents to cancel the patta No.788 stands in the name of the 3rd Respondent in respect of Survey No.374/1A2 at Batlagundu Village, Nilakottai Taluk, Dindigul District.

For Petitioner : Mr.B.Jeyakumar

For Respondents : Mr.M.Alagathevan,

Special Government Pleader

ORDER

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned order passed by the 1st Respondent in K4/11552/2016 dated 27.03.2017 confirming the order of the 2nd Respondent in his proceedings in Na.Ka.No.35725/2015/Aa4 dated 23.05.2016 and quash the same is illegal and consequently direct the Respondents to cancel the patta No.788 stands in the name of the 3rd Respondent in respect of Survey No.374/1A2 at Batlagundu Village, Nilakottai Taluk, Dindigul District.



2. Heard Mr.B.Jeyakumar, learned counsel appearing for the petitioner and Mr.M.Alagathevan, learned Special Government Pleader, appearing for the respondents.

3. By consent of both parties, the main Writ Petition itself is taken up for disposal, at the admission stage itself.

4. The case of the petitioner is that his grand father Palanikumar was the original owner of the property and he had three sons. By virtue, he purchased 4 acres 69 cents in Old Survey No.660A, New Survey No.374/1 at Batlagundu village, Nilakottai Taluk, Dindigul District in the year 1996. He died leaving behind the three sons. However, in the year 1985, under Land Updated Registry Scheme, the second respondent has included the name of the third respondent in the patta. Hence, the petitioner challenged the same. However, the respondents 1 and 2 without considering the case of the petitioner, rejected his application. Hence, the petitioner has approached this Court with this Writ Petition.

5. The learned counsel for the petitioner would submit that while dismissing the case of the petitioner, the second respondent directed him to approach the Civil Court to establish his right. But, the first respondent without independently considering the case of the petitioner, has followed the order of the second respondent and hence, they are liable to be set aside.

6. Mr.M.Alagathevan, learned Special Government Pleader, would submit that already the claim of the petitioner was rejected by the District Munsif Court, Nilakottai in O.S.No.109 of 1996 and in O.S.No.472 of 2001 by the Subordinate Court, Dindigul. Further, the revenue authorities cannot decide the title of the petitioner and they are bound to follow the decision of the Civil Court.

7. A perusal of the impugned order would reveal that there were serious of litigations between the petitioner and the third respondent and the judgments have attained finality. The respondents 1 and 2, based on the judgment of the Civil Court has decided the issue. Hence, I do not find any error warranting interference of this Court.

8. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, the connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(Records)

/True Copy/



To

1.The Additional Chief Land Administration Commissioner,
Land Administration Commission,
Ezhilagam, Chepauk,
Chennai - 5.

2.The District Revenue Officer,
Dindigul District,
Dindigul.

+One cc to Mr.B.Jeyakumar, Advocate, SR.No.61747

MR/MYR

RL/4C/3P/KP/SAR1/7/7/2017

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