

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2018

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 6087 of 2011

Arcot Textiles (Pvt.) Ltd.,
Represented by its Managing Director,
Thenappan

..Petitioner

Vs.

1. The District Revenue Officer,
Villupuram District,
Villupuram.

2. The Revenue Divisional Officer,
Kallakurichi,
Villupuram District.

3. Mr.Periyasamy

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records relating to the order of the 1st respondent in Na.Ka. A8/T.R.R.P.11/05 dated 28.02.2010 and quash the same as illegal.

For Petitioner : Mr.J.Antony Jesus

For Respondents: Mr. M.Karthikeyan,
Addl. Government Pleader for R1 & R2

No appearance for R3

O R D E R

This writ petition is filed seeking to quash the order of the 1st respondent in Na.Ka.A8/T.R.R.P.11/05 dated 28.02.2010, as illegal.

2. The facts of the case is as follows :-

The third respondent has sold the land in R.S.No.225/7, measuring 0.76 cent to one Thiru Balan. The said purchaser

Balan has sold the land in R.S.No.225/7, along with the land in R.S.No.225/12 measuring 0.45.5 Hec., to the petitioner. The petitioner approached the then Zonal Deputy Tahsildar No.1, Kallakurichi to transfer the patta in his name. Without verifying the documents and without conducting proper enquiry, the then Zonal Deputy Tahsildar No.1, ordered transfer of patta of the land in R.S. No.225/7 and 225/12 in patta No.371 in the name of the petitioner vide his proceedings No.A3/13487/93 dated 15.11.1993, on the strength of the sale deed executed by the said Balan in favour of the petitioner. Aggrieved by the said order, the private respondent filed an appeal before the second respondent, Revenue Divisional Officer, Kallakurichi requesting to cancel the patta transfer order, passed by the then Zonal Deputy Tahsildar No.1, Kallakurichi, vide his proceedings dated 15.11.1993. After enquiry, the Revenue Divisional Officer, namely, the 2nd respondent has passed the order, cancelling the patta transfer order issued in the name of the petitioner. Against the aforesaid order, the petitioner preferred an appeal before the 1st respondent. The District Revenue Officer, Villupuram, namely, the 1st respondent, dismissed the appeal and confirmed the order of the Revenue Divisional Officer, Kallakurichi/the 2nd respondent. Challenging the said orders, the petitioner is before this Court filing the present writ petition.

3. The 2nd respondent has filed the counter affidavit stating that the petitioner is not entitled to patta for the land in Survey No.225/12 as the same is not owned by the petitioner. The earlier order has been passed, transferring the patta in the name of the petitioner, without verifying the relevant documents. Subsequently, the said mistake has been rectified and cancelled the patta granted in the name of the petitioner. Further, in the said proceedings, it has been informed to the petitioner that he can raise the dispute before the appropriate civil court.

4. Therefore, the dispute between the petitioner and the 3rd respondent with regard to the title of the property has to be decided before the Civil Court. This Court has considered a similar issue in the case of Kuppuswami Nainar Vs. The District Revenue Officer & Ors. Reported in (1995) 1 MLJ 426 and has held that the parties can approach only the civil court to adjudicate the question of title and it cannot be resolved by exercising the jurisdiction under Article 226 of the Constitution of India. Therefore, this Writ Petition is not maintainable and is liable to be dismissed.

5. In view of the aforesaid judgement, the present Writ Petition is dismissed, with liberty to the petitioner to approach the Civil Court, if so advised. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

avr

To

1. The District Revenue Officer,
Villupuram District,
Villupuram.
2. The Revenue Divisional Officer,
Kallakurichi,
Villupuram District.

+1cc to the Government Pleader Sr.78022

W.P. No. 6087 of 2011

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srg 28/12/2018

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