

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.38360 of 2006

A.Thangaraj

... Petitioner

Vs.

1.The Special Commissioner and
Commissioner of Land Administration
Chepauk
Chennai - 600 005.

2.The District Collector
Perambalur
Perambalur District.

3.The District Revenue Officer,
Perambalur
Perambalur District.

4.The Tahsildar
Veppanthattai Taluk
Perambalur District.

5.K.Abdul Razak

6.Akbar Sheriff

7.Mahaboob John

8.Mahaboob Sheriff

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the 1st respondent in D.Dis.K4/R.P.11/2006 (K4/43668/2005) dated 13.9.2006 and quash the same as illegal and consequentially to restore the patta granted in favour of the petitioner.

For Petitioner : Ms.T.Rekha

For Respondents: Mr.R.Govindasamy for R1 to R4
Special Government Pleader

O R D E R

The petitioner has filed this petition challenging the order of revisional authority namely, The Special Commissioner and Commissioner of Land Administration.

2.The case of the petitioner is that the petitioner purchased the property from one Khader Sheriff. The said Khader Sheriff requested the Tahsildar, Perambalur to include his name in the patta issued during UDR Scheme in favour of his uncle's (father's brother) sons Kulam Kader, Haseem Sahib, Jabar Sahib in respect of the lands in New S.No.304/10 D Extent of 0.13 cents 304/10E extent 0.09 cents, 304/10F 0.10 cents total extent 0.32 cents in Thevaiyur Village in Perambalur District stating that he was away from the place, when they got patta in their favour without including the his name. The petitioner had also requested the Tahsildar to issue individual patta after subdividing the said Extent into four parts. After due enquiry, the Veppanthattai Tahsildar in his order dated 31.12.1999 cancelled the UDR pattas issued for S.Nos.304/10D, 304/10E, 304/10F and subdivided the same as 304/10D, 10D2, 10D3, 10D4 and issued individual pattas. Aggrieved by the said order of the Tahsildhar, Abdul Razak son of Haseem Sheriff and Akbar Sheriff son of Jabar Sheriff in their petition addressed to the Assistant Director (Survey), Perambalur, requested to cancel the proceedings of the Tahsildhar. After due enquiry, the District Revenue Officer cancelled the order of the Thasildar and ordered the Thasildhar to issue individual pattas after sub-dividing the suit land to the extent specified in the partition deed. Aggrieved by the same, the petitioner and the said Khadher Sheriff filed review petition before the District Revenue Officer, Perambalur. The District Revenue Officer rejected the review petition. As against that, the petitioner filed revision petition before the first respondent. The first respondent confirmed the order of the Collector, Perambalur and rejected the petitioner's representation. Thereby, the present writ petition has been filed.

3.At the time of arguments, the learned counsel appearing for the petitioner requested this Court that without going into the merits of the case, the petitioner may be granted liberty to file a suit before the appropriate Court for establishment of his title over the suit property.

4.It appears that there is a civil dispute inbetween Khadher Sheriff and one Mohamed Sheriff in O.S.No.52 of 2001 on the file of the District Munsif, Perambalur. In the meantime, the said Khadher Sheriff sold his lands to the petitioner herein on 27.09.2004 pending the civil suit.

5.I do not find any merits in the petition since patta is not a title deed. The petitioner has to establish his title before the competent Civil Court. Thereafter, the petitioner may file a petition before the Tahsildar for issuance of patta.

6.However, in view of the limited request made by the learned counsel appearing for the petitioner, this Court without expressing anything on the merits of the case, grants liberty to the petitioner to work out the remedy in the manner known to law.

7.Accordingly, the writ petition is dismissed. No Costs. Consequently, the connected miscellaneous petition, if any, is also closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Special Commissioner and
Commissioner of Land Administration
Chepauk
Chennai - 600 005.

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Perambalur
Perambalur District.

3.The District Revenue Officer,
Perambalur
Perambalur District.

4.The Tahsildar
Veppanthattai Taluk
Perambalur District.

+1cc to M/S.T.Rekha, C.Sivakumar, Advocate Sr.31497

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cp[co]
srg 18/05/2018