



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.06.2018

CORAM:

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

W.A. [MD] .No.616 of 2018

- 1.K.Thangaraj
- 2.Jeyalakshmi
- 3.Panju
- 4.Palanivelu
- 5.P.Veeranan
- 6.A.Palani
- 7.Lakshmanan
- 8.Noormohammed
- 9.Valliammal
- 10.Rajammal
- 11.Kannammal

.. Appellants/Petitioners

Vs.

1. The District Collector,
Office of the Madurai District Collector.
2. The Revenue Divisional Officer,
Madurai District, Madurai.
3. The Thasildhar,
Madurai North Taluk,
Madurai District.
4. The Sub Registrar,
Othakadai, Thamaraipatti,
Madurai.
5. M.Malailingam
[R5 given up and deleted vide
order dated 08.03.2018 made
in M.P. (MD) No.1 of 2015]

6.A.Lakshmanan

.. Respondents/ Respondents

PRAYER: Appeal is filed under Clause 15 of the Letter Patent Act, against the order, dated 25.04.2014 made in W.P. (MD) No.5135 of 2013 on the file of this Court.

<https://hcservices.ecourts.gov.in/hcservices/>

Prayer in WP (MD). 5135/ 2013 :

Writ Petition is filed under Article 226 of the

Uthankudi
respondent

For Appellants : Mr.R.Suriyanarayanan

For R-1 to R-4 : Mr.V.R.Shanmuganathan
Special Government Pleader

For R-6 : Mr.Pala Ramasamy

JUDGEMENT

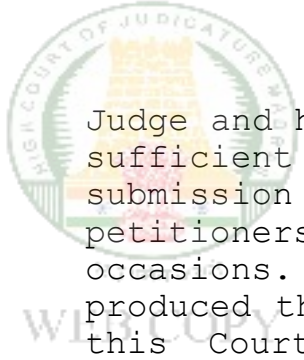
[Judgement of the Court was delivered
by **K.RAVICHANDRABAABU, J**]

Feeling aggrieved against the order of the learned single Judge in dismissing the writ petition filed by these appellants, the present writ appeal is filed.

2.Heard both sides.

3. The appellants are aggrieved against the proceedings of the revenue officials issued in respect of patta proceedings. They also seek for a direction to the said officials to restore the entries in pattas and other connected revenue records to its original status. The writ Court after elaborately considering the facts and circumstances and various proceedings taken place in the past, came to the conclusion that some wrong entries made in the revenue records were taken advantage of by the writ petitioners to claim right over the property without there being any records to prove their possession. The writ Court also found that the revenue officials are not barred from initiating any action against the encroachers, more particularly, when the action of the revenue officials in issuing the impugned proceedings is only deletion of wrong entries made in the pattas.

4. We also noticed that before arriving at such conclusion, the writ Court had, in fact, granted sufficient time and opportunity to the writ petitioners to produce the original pattas, which are said to be in their possession for the perusal of the Court. However, the fact remains that the writ petitioners have not chosen to produce the same before the writ Court. So also the case before us. When this appeal was taken up for hearing on earlier occasion i.e. on 10.4.2018, the learned counsel appearing for the appellant submitted that due to some genuine reasons, the writ petitioners were not in a position to produce the original pattas before the learned single



Judge and however, they would produce the same before this Court, if sufficient time is given to them. Taking into consideration of such submission and in order to give one more opportunity to the writ petitioners, this Court adjourned the matter for more than three occasions. However, the writ petitioners/appellants have not produced the original pattas said to be in their possession, before this Court, despite the fact that they were given sufficient opportunity to do so.

5. On the other hand, it is the clear case of the respondents that the writ petitioners are claiming right over the property based on bogus and concocted pattas and therefore, they will not produce the same before this Court for its perusal. Needless to state that the petitioners/appellants, who claim right over the subject matter property is bound to produce the material documents, namely, original pattas, which according to them were issued long ago. When the revenue officials claimed that such documents is bogus and concocted one, it is the bounden duty of the writ petitioners to rebut such contentions by producing such originals before this Court, especially when they were specifically directed to do so. But the writ petitioners/appellants utterly failed to discharge such onus. Therefore, we find no *bona fide* on the claim of the writ petitioners/appellants over the subject matter property. Therefore, we find that the writ Court has rightly rejected their writ petition and dismissed the same by specifically observing that the impugned proceedings, challenged in the writ petition are only an act of deletion of wrong entries in the pattas, with which the petitioners having no valid documents in their support, cannot found fault with.

6. Accordingly, the writ appeal fails and the same is dismissed. No costs.

Sd/-

Assistant Registrar (AS)

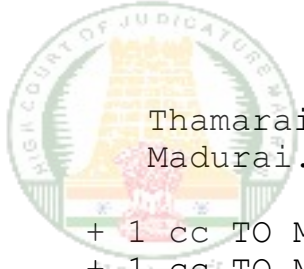
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Sub Assistant Registrar

To

1. The District Collector,
Office of the Madurai District Collector.
2. The Revenue Divisional Officer,
Madurai District, Madurai.
3. The Thasildhar,
Madurai North Taluk,
Madurai District.

4. The Sub Registrar,
Othakadai,



Thamaraipatti,
Madurai.

+ 1 cc TO Mr.Pala Ramasamy , Advocate in SR No. 68821
+ 1 cc TO Mr.R.Suriyanarayanan , Advocate in SR No. 69097
+ 1 cc TO The Special Government Pleader in SR No. 68844

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AE/SKN RSK/SAR4/02.07.2018/4P/8C

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