

In the High Court of Judicature at Madras

Dated : 02.12.2019

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.33604 of 2019 & WMP.Nos.34085 & 34087 of 2019

S.Ajaz Ahmed,
S/O S.Rafeeq Ahmed

...Petitioner

Vs

1.The District Revenue Officer,
Collectorate, Sathuvachari,
Vellore-9. Vellore District.

2.The Sub-Collector, Tirupattur,
Vellore District.

3.The Sub-Registrar, Ambur,
Vellore District-635802.

4.The Tahsildar, Revenue Department,
Ambur, Vellore District-635802.

5.S.Ajaz Ahmed,
S/O S.Mohamed Younus

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the record pertaining to the order No.Ni.Mu.D2/13838/2018 dated 02.5.2019 of the 1st respondent, quash the same and consequently direct the 4th respondent to cancel the patta issued in favour of the 5th respondent for the land belonging to the petitioner in old Door No.40A, New No.4, Jalal Road Extension, Ambur Town, Vellore District comprised in Punja Land survey T.S.No.4/6A, measuring 2 acres of land.

For Petitioner : Mr.S.T.Varadharajulu

For Respondents 1, 2 & 4 : Mr.M.Karthikeyan, AGP

For Respondent-3 : Mr.M.Tamilarasan, GA

ORDER

Mr.M.Karthikeyan, learned Additional Government Pleader accepts notice for respondents 1, 2 and 4. Mr.M.Tamilarasan, learned Government Advocate accepts notice for the third respondent. Heard both.

2. The petitioner is aggrieved by the order passed by the first respondent herein exercising his revisional power while confirming the order passed by the second respondent rejecting the claim made by the petitioner for grant of separate patta in his favour.

3. On perusal of the order passed by the second respondent dated 06.4.2018, as confirmed by the first respondent dated 02.5.2019, it is evidently clear that there is a serious dispute as regards the title to the property. In fact, the first respondent had taken the trouble of passing a very detailed order for the purpose of establishing that unless and until the title to the property is established by the petitioner, a separate patta could not be granted in favour of the petitioner. The first respondent had rightly noted in his detailed order that when there is a dispute regarding title based on documents of possession, it is only for the civil court, which will have the jurisdiction and that if there is a cloud over the title, then the parties must be relegated to approach the civil court.

4. The learned counsel for the petitioner submits that some of the observations and findings rendered by the first respondent in the impugned order dated 02.5.2019 are contrary to the records and therefore, unsustainable.

5. In my considered view, the observations or findings rendered by the first respondent can, at best, be taken to support his conclusion that the petitioner has to establish his title before the competent civil court and nothing more. Hence, there are no grounds made out by the petitioner to interfere with the order passed by the first respondent. However, the observations made by respondents 1 and 2 in their respective orders dated 06.4.2018 and 02.5.2019 will not, in any manner, affect the rights of the petitioner when he approaches the civil court seeking a declaratory right and for consequential reliefs.

6. In the light of the above, the writ petition is dismissed granting liberty to the petitioner to approach the civil court to establish his title to the subject property. In the event of

the petitioner approaching the civil court, the civil court shall decide the suit based on oral and documentary evidence that may be placed by the petitioner before it, without, in any manner, influenced by the orders passed by respondents 1 and 2 respectively dated 06.4.2018 and 02.5.2019. No costs. Consequently, the connected WMPs are also dismissed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

RS

To

1.The District Revenue Officer, Collectorate, Sathuvachari,
Vellore-9.
Vellore District.

2.The Sub-Collector, Tirupattur, Vellore District.

3.The Sub-Registrar, Ambur, Vellore District-635802.

4.The Tahsildar, Revenue Department, Ambur,
Vellore District-635802.

+lcc to Government Pleader SR.NO. 100726

+lcc to Mr.S.T.Varadharajulu, Advocate sr.100513

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of 2019

bp(co)
nr 07/01/2020

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