



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2019

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD)No.18177 of 2019

Anantharaman

... Petitioner

vs.

1.The District Revenue Officer,
Thanjavur District, Thanjavur.

2.The Revenue Divisional Officer,
Kumbakonam, Thanjavur District.

3.The Tahsildar,
Kumbakonam Taluk Office,
Kumbakonam, Thanjavur District.

4.The Head Surveyor,
Kumbakonam Taluk Office,
Kumbakonam, Thanjavur District.

5.The Assistant Commissioner / Executive Officer,
Arulmighu Naganatha Swamy Temple,
Thirunageshwaram, Kumbakonam Taluk,
Thanjavur District.

... Respondents

(R5 impleaded vide order of this Court, dated 22.11.2019 made in W.M.P.(MD)No.16124 of 2019)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the first respondent to correct the UDR correction and give the separate sub division to the petitioner's house property in Old S.No.295/5D and new S.No.195/1 to an extent of 4636 sq.ft., situated in Thirunageshwaram Village, 116, Sannapuram Vattam, Kumbakonam Taluk, Thanjavur District based on the petitioner's representation dated 06.07.2019.

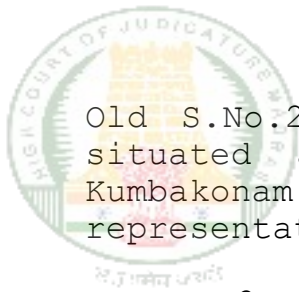
For Petitioner :Mr.G.Gomathi Sankar

For R1 to R4 : Mr.B.Bhagavathy
Government Advocate

For R5 :Mr.V.Chandrasekar

ORDER

This Writ Petition is filed for issuance of a Writ of Mandamus to direct the first respondent to correct UDR Correction and give separate sub division to the petitioner's house property in



Old S.No.295/5D and New S.No.195/1 to an extent of 4636 sq.ft. situated at Thirunageshwaram Village, 116, Sannapuram Vattam, Kumbakonam Taluk, Thanjavur District, based on the petitioner's representation, dated 06.07.2019.

2.It is admitted before this Court that the petitioner has earlier filed similar Writ Petition in W.P.(MD)No.7865 of 2019 for issuing a Writ of Mandamus to direct the fourth and fifth respondents to sub divide and issue separate house site patta to the petitioner with regard to the same property. This Court disposed of the Writ Petition along with other petitions, in the following lines:

"7.Be that as it may. When there is a serious title issue, the revenue authority may not really be in a position to adjudicate the claims. It is only the competent Civil Court that can pronounce definitely in the matter. The reliance placed by the writ petitioners on the Judgement and Decree made in A.S.No.95 of 1946 on the file of the Sub Court, Kumbakonam, may not be of much avail. This is because, the findings that appears to have been given therein is that the temple has no title to the suit property which is 20 feet by 19 feet. The petitioners will have to necessarily file a Civil Suit for establishing their title against the Temple in question. Only thereafter, they will be entitled to claim patta. I have not gone into the merits of the matter. In the very nature of things, such factual issues cannot be adjudicated in writ proceedings. Therefore, the contesting parties will have to be necessarily relegated to move the competent and jurisdictional Civil Court. Thus, granting liberty to the writ petitioners to move the competent Civil Court, the writ petitions stand dismissed. No costs.

3.While disposing the other Writ Petitions, this Court has found that the petitioner has pleaded some error in UDR records and that therefore, he ought to have approached the District Revenue Officer, instead of Tahsildar or Revenue Divisional Officer. This observation is being taken advantage by the petitioner to submit a further representation before the first respondent, dated 06.07.2019 instead of approaching the Civil Court, as directed by this Court.

4.The Civil Court alone is competent to decide one's title and enjoyment of the property. The Revenue Officials, under Tamil Nadu Patta Pass Book Act, 1983, cannot go beyond the revenue records. Any irregularities at the time of UDR, of course, can be rectified by the District Revenue Officer. However, the scope of enquiry of District Revenue Officer is also limited and he can decide only on the basis of the revenue records prior to UDR.



5.As it was held by this Court that the matter involves disputed questions of facts, this Court is of the firm view that the present claim of the petitioner can be effectively adjudicated only by the Civil Court. Hence, this Writ Petition is dismissed reserving liberty to the petitioner to approach the Civil Court for appropriate relief. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

cmr

To

- 1.The District Revenue Officer,
Thanjavur District, Thanjavur.
- 2.The Revenue Divisional Officer,
Kumbakonam, Thanjavur District.
- 3.The Tahsildar,
Kumbakonam Taluk Office,
Kumbakonam, Thanjavur District.
- 4.The Head Surveyor,
Kumbakonam Taluk Office,
Kumbakonam, Thanjavur District.
- 5.The Assistant Commissioner / Executive Officer,
Arulmighu Naganatha Swamy Temple,
Thirunageshwaram, Kumbakonam Taluk,
Thanjavur District.

+1 CC to M/s.G.GOMATHI SANKAR, Advocate (SR-104642[F] dated 12/12/2019)

+1 CC to M/s.SPL.GP (SR-104675[F] dated 12/12/2019)

W.P.(MD)No.18177 of 2019
10.12.2019

_KK/SAR/03.01.2020/3P-8C/