

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2020

CORAM:

THE HON'BLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.33871 of 2016

1.Srikanth
2.Nagabhushanam
3.Veerabadriah

.. Petitioners

Vs

1.The District Revenue Officer,
Collector Office,
Krishnagiri.

2.The Tahsildar,
Denkanikottai Taluk Office,
Denkanikottai.

3.Mr.Prabhu Prasath

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari to call for the records of the first respondent relating to the proceedings in Pa.Mu.3494/2012/J2, dated 29.02.2015, and quash the same.

For Petitioner : Mr.R.Bharath Kumar

For R1 & R2 : Mr.M.D.Ilayaraja, GA

For R3 : No Appearance

ORDER

Heard Mr.R.Bharath Kumar, learned counsel for the petitioners, and Mr.M.D.Ilayaraja, learned Government Advocate for the respondents 1 and 2.

2. This writ petition has been filed by the petitioners challenging the order passed by the first respondent dated 29.02.2015, wherein the claim of the petitioners for grant of patta was rejected.

3. The challenge to the impugned order largely on two grounds. Firstly on the ground that the first respondent/the District Revenue Office, Krishnagiri could not have usurped to the the powers of the Revenue Divisional Officer and rejected the claim as the competent authority to deal with the matter is the Revenue Divisional Officer of the concerned area. Second ground of challenge is that the Tahsildar on direction from the first respondent has conducted an enquiry and he has given a finding as to the veracity of the Will produced by the petitioner holding it as not a genuine one. This exercise could not have been done by the Revenue Authorities.

4. Learned counsel for the petitioners would strenuously contend that in the penultimate portion of the impugned order, the authority has stated that if link documents are produced, then the same can be verified and patta can be granted in favour of a person who has got proper title. Therefore, it is submitted that the impugned order is liable to be set aside and the matter should be remitted back to the Revenue Divisional Officer, Krishnagiri, for fresh consideration.

5. Learned Government Advocate appearing for the respondents 1 and 2, by referring to the counter affidavit, submitted that whatever documents produced by the petitioner and the third respondent are all fabricated records and as per the revenue classification, the land is a Cadu as has been done in the year 1970. Further, it is submitted that it is not clear as to how the land stood transferred in favour of the petitioners, especially when the land's original classification was Cadu.

6. Considering all these facts, no useful purpose would be served by going before the revenue authorities, because, the revenue authorities, even according to the petitioners, cannot decide the title to a property, especially when the petitioners say that they have got bunch of documents to establish the title and also to establish that there is continued transaction. Therefore, the only forum for the petitioners is to approach the Civil Court having jurisdiction over the property in question.

7. Thus, for all the reasons stated above, while declining to interfere with the impugned order, liberty is granted to the petitioners to approach the Civil Court for appropriate relief and in the event the petitioners approach the Civil Court, they will be entitled to establish their case based on the oral and documentary evidence without referring to the observation made in the impugned order. The petitioners are directed to file a suit before the Civil Court within a period

of 30 days from the date of receipt of a copy of this order and seek for appropriate interim order before the Civil Court.

8. In the result, the writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

rkm

To

1.The District Revenue Officer,
Collector Office,
Krishnagiri.

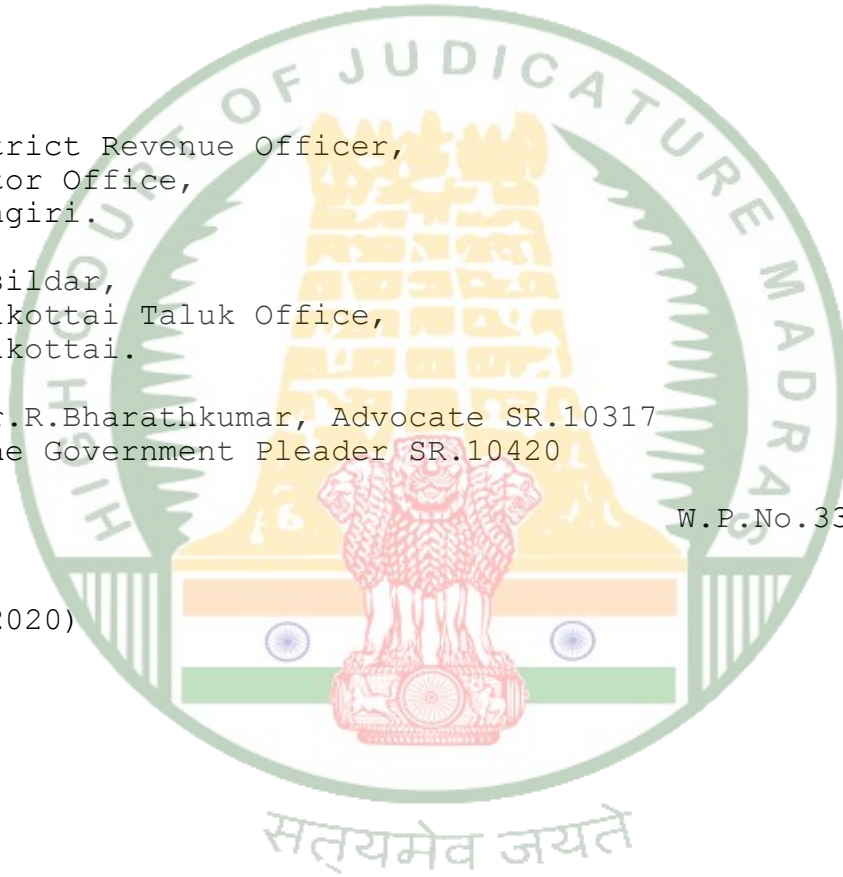
2.The Tahsildar,
Denkanikottai Taluk Office,
Denkanikottai.

+1cc to Mr.R.Bharathkumar, Advocate SR.10317

+1cc to the Government Pleader SR.10420

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RSV (CO)
CB(16/03/2020)



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