

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.11.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.15292 of 2020

&

W.M.P.No.19121 of 2020

1.V.Karuppusamy

2.Vasanthi

3.Vijaya Karikalan

4.Chandrakala

5.Ashwathama

6.S.Tamilselvan

7.R.Kathirvel

...Petitioners

Vs.

1.The District Revenue Officer
Coimbatore

2.The Revenue Divisional Officer
Coimbatore North
Coimbatore

3.The Tahsildar
Office of Tahsildar
Coimbatore North
Coimbatore

4.K.C.Ravi

5.S.Dharmalingam

6.K.Kumarasamy

7.Periyasamy

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of order in Pa.Mu.18465/2018/E1 dated 30.07.2019 passed by the 1st respondent herein and quash the same and consequently direct the respondents 1 to 3 to restore the Revenue entries in the name of petitioners on the file of 3rd respondent immediately.

For Petitioner : Mr.N.Ponraj

For Respondents : Mr.S.N.Parthasarathi, Govt.Advocate
For R1 to R3.

ORDER

This writ petition has been filed for challenging the impugned order passed by the 1st respondent dated 30.07.2019 and for a consequential direction to restore the Revenue records in the name of the petitioners.

2. The case of the petitioners is that the subject property belongs to the father of the 1st petitioner and a patta was also issued in his favour. Respondents 4 to 7 filed a petition before the 1st respondent on the ground that they are the owners of the property in S.F.No.941/2F and sought for the cancellation of the patta issued in the name of Viswanatha Gounder and to issue fresh patta in their name. This Appeal filed by respondents 4 to 7 was allowed by virtue of the impugned order passed by the 1st respondent who has directed the earlier patta to be cancelled and fresh patta to be granted in favour of S.Muthusamy and others.

3. Heard Mr.N.Ponraj, learned counsel for the petitioner and Mr.S.N.Parthasarathi, learned Government Advocate for the respondents 1 to 3.

4. The learned counsel for the petitioners submitted that the 1st respondent is not the Appellate Authority and only the Revenue Divisional Officer is the Competent Authority to entertain the appeal. The learned counsel further submitted that the 1st respondent has decided the case like a Civil Court by going into the title dispute and therefore the impugned order suffers from illegality.

5. A careful perusal of the order passed by the 1st respondent shows that there was absolutely no title that was traceable to Vishwanatha Gounder with respect to the property in S.No. 941/2F and during the UDR scheme, he has got a patta in

his name in patta No.1850. Thereafter, the petitioners claiming themselves to be the legal heirs of Viswanatha Gounder have got the patta transferred in their name.

6. Infact the 1st respondent has gone on record by stating that the 1st petitioner while submitting an application did not add S.No.941/2F and instead the patta was granted only based on the earlier entry made at the time of conducting the UDR process.

7. It is also seen from records that respondents 4 to 7 had filed a complaint before the Registration Authorities to take action against the petitioners u/s. 68(2) of the Registration Act and the Deputy Inspector General of Registration, Coimbatore by order dated 14.08.2019, has found that the petitioners had taken advantage of the entries made in the Revenue records by adding S.No.241/2F and have dealt with the property by registering various documents. Through these proceedings, it was held that those documents are fraudulent and fabricated documents.

8. It becomes very clear that there is a serious title dispute with respect to the subject property situated at S.No.941/2F and the petitioners will have to necessarily approach a competent Civil Court and work out their rights.

This Court exercising its jurisdiction under Article 226 of the Constitution of India cannot go into the issue of title with respect to the subject property. The petitioners will have to necessarily establish their title in the property only before the Civil Court.

9. In view of the above discussion, this Court is not inclined to entertain this writ petition and petitioners are at liberty to work out their remedy before the competent Civil Court. Accordingly, this writ petition is dismissed.

सत्यमेव जयते
Sd/-

Assistant Registrar (CS-IX)

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Sub Assistant Registrar

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To

1.The District Revenue Officer
Coimbatore

2.The Revenue Divisional Officer
Coimbatore North
Coimbatore

3.The Tahsildar
Office of Tahsildar
Coimbatore North
Coimbatore

+1cc to Government Pleader, SR.No.35612

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&
W.M.P.No.19121 of 2020

RP (CO)
KKV/11/12/2020



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