



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2020

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. (MD) No. 4769 of 2020

and W.M.P. (MD) Nos.4147 and 4148 of 2020

WEB COPY

1. K. John Dhanraj
2. M.R.K. Xavier
3. Vinnarasi
4. Sahayaseela

... Petitioners

Vs.

- 1.The District Collector,
Theni District.
- 2.The Thasildar,
Uthamapalayam Taluk,
Theni District.
- 3.Meenakshi
- 4.Nagalakshmi
- 5.Saraswathi
- 6.N.Saminathan
- 7.N.Sivaraman
- 8.Gnanalatha

... 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 relating with the order of the 2nd respondent made in Mu.Mu. No.8279/2017/A2 dated 27.07.2017 and quash the same as it is arbitrary and illegal and in consequence to direct him to restore the patta to the land measuring 0.57.0 Ares in S.No. 196/3 (Present Sub Division Nos.196/3A, 196/3A1, 196/3A2 and 196/3B), a land measuring 0.49.5 Ares in S. No. 203/1 (Present sub division Nos. 203/1A and 203/1B) and land measuring 7 Cents in S. No.203/7, Mallingapuram Village, Uthamapalayam Taluk in Theni District, in the name of the Petitioners and others.

For Petitioners : Mr. R. Suriyanarayanan

For Respondents 1 & 2 : Mr. Aayiram K. Selvakumar
Additional Government Pleader



O R D E R

Heard Mr. R. Suriyanarayanan, Learned Counsel for the Petitioners and Mr. Aayiram K. Selvakumar, Learned Government Advocate appearing for the First and Second Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. Having regard to the nature of the order proposed to be passed in this Writ Petition, notice to the Third to Eighth Respondents is dispensed with as it does not cause any prejudice to them.

3. The Petitioners are aggrieved by the order in Mu.Mu. No.8279/2017/A2 dated 27.07.2017 passed by the Second Respondent in deleting the name of the Petitioners in the patta relating to the land measuring 0.57.0 Ares in S.No. 196/3 (Present Sub Division Nos.196/3A, 196/3A1, 196/3A2 and 196/3B), land measuring 0.49.5 Ares in S. No. 203/1 (Present sub division Nos. 203/1A and 203/1B) and land measuring 7 Cents in S. No.203/7, Mallingapuram Village, Uthamapalayam Taluk in Theni District and substituting to it with the names of the Third to Eighth Respondents. It is now settled legal position as held by the Division Bench of this Court in **Kuppuswamy Nainar -vs- District Revenue Officer** [(1995) 1 MLJ 426], which has been reiterated by another Division Bench in **Vishwas Footwear Company Ltd., -vs- District Collector, Kancheepuram** [2011 (5) CTC 94] that where there is a dispute relating to the title of the property, the Revenue Authorities cannot adjudicate upon the same and would have to necessarily relegate the parties to the jurisdictional Civil Court for determination in that regard and depending upon its ultimate outcome, it would be open to the successful party to thereafter to apply before the concerned Revenue Authorities for mutation of records relating to the property in his favour.

4. The Hon'ble Supreme Court of India in **Roshna T. -vs- Abdul Azeez K.T.** [(2019) 2 SCC 329] has reiterated the law that disputed questions of fact relating to property rights, which are private in character and do not have any element of public law involved, require full fledged trial by recording of evidence of parties and cannot be decided in a summary manner in proceedings under Article 226 of the Constitution of India.

5. Having due regard to this unassailable legal position, the claims made by the Petitioners in this Writ Petition would have to be adjudicated only before the jurisdictional Civil Court. In view of the dictum laid down by the Hon'ble Supreme Court in **Muddasani Venkata -vs- Muddasani Sarojana** [(2016) 12 SCC 288] that entries



of possession in revenue records do not give any right to claim title to the property, the Civil Court shall not be influenced or inhibited by the past revenue entries made in the revenue records in favour of either of the parties, and the question of the ownership of the property would have to be independently decided on merits considering the pleadings and the evidence adduced by the contesting parties in accordance with law. Though obvious, it is clarified that no view has been expressed by this Court on the correctness or entitlement on the merits of the rival claim (for title and possession) relating to the property made by the contesting parties.

6. Accordingly, the Writ Petition is disposed on the aforesaid terms. Consequently, connected Miscellaneous Petition are closed. No costs.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sj

To

1.The District Collector,
Theni District.

2.The Thasildar,
Uthamapalayam Taluk,
Theni District.

+1 CC to M/s.SPL.GP (SR-10555[F] dated 09/03/2020)

W.P. (MD)No. 4769 of 2020

Dated : 06.03.2020

NA(CO)

TR(29.05.2020)3P 4C