



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2020

C O R A M

WEB COPY

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. (MD)No.4580 of 2020

K.Sundarapandian

... Petitioner

Vs.

1.The Thasildhar,
Sattur Taluk,
Virudhunagar District.

2.The Sattur Yadava Community,
Represented through its Member Chellaperumal,
32, Sivananda Bojana Madam North Street,
Sattur, Virudhunagar District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Certiorarified Mandamus, to call for records relating to the impugned order of the 1st respondent in Na.Ka.No.A2/1177/2019 dated 20.08.2019 and quash the same and consequently direct the 1st respondent to restore the entry in the Town Survey as per his order dated 08.11.14 and also include the name of petitioner in the entry.

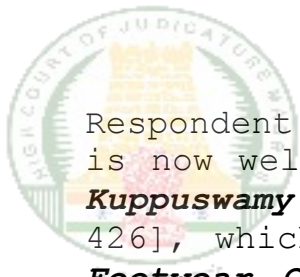
For Petitioner : Mr.H.Arumugam

For Respondents : Mr.Aayiram K.Selvakumar
Additional Government Pleader

ORDER

Heard Mr. H.Arumugam, Learned Counsel for the Petitioner and Mr.Aayiram K.Selvakumar, Learned Additional Government Pleader appearing for the First Respondent and perused the materials available on record apart from the pleadings of the parties.

2. The Petitioner is aggrieved by the order in Na.Ka.No.A2/1177/2019 dated 20.08.2019 passed by the First Respondent refusing to restore the name of the Petitioner in the revenue records in respect of the property in Town Survey No. 34/8 (old No. 270), Ward C, Block No.17, Sattur Village, Sattur Taluk, Virudhunagar District and directed the Petitioner to workout his rights before the jurisdictional Civil Court. It is also borne out from the proceedings of the revenue authorities that the Second



Respondent has made a rival claim of title to the same property. It is now well settled as held by the Division Bench of this Court in **Kuppuswamy Nainar vs. The District Revenue Officer** [(1995) 1 MLJ 426], which has been restated 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 succeeding party to thereafter to apply before the concerned Revenue Authorities for mutation of records relating to the property in his favour. Since the impugned order is in conformity with that position of law, it does not require any interference by this Court.

3. 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.

4. Having due regard to this unassailable legal position, the claims made by the Petitioner 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 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 divergent claims (for title and possession) relating to the property made by the contesting parties.

5. Accordingly, the Writ Petition is dismissed with the aforesaid observations. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



W.P.(MD)No.4580 of 2020

To

The Thasildhar,
Sattur Taluk,
Virudhunagar District.

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+1 CC to M/s.SPL.GP (SR-11073[F] dated 11/03/2020)

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AP (29/05/2020) 3P 3C