



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2020

CORAM

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

W.P. (MD) No.18096 of 2017

and W.M.P. (MD) Nos.14558 to 14560 of 2017

and W.M.P. (MD) Nos.3415 to 3418 of 2018

M.Balasubramanian

... Petitioner

Vs.

1.The District Collector,
Collectorate Building,
Madurai-625 001.

2.The District Revenue Officer,
District Revenue Office,
Madurai District,
Gandhi Nagar, Madurai-625 020.

3.The Revenue Divisional Officer,
Revenue Divisional Office,
Madurai District, Madurai-625 020.

4.The Tahsildar,
Madurai South,
Arignar Anna Nagar,
Madurai-625020.

5.Dharsana Nayan Thakkar

6.T.P.Kandhimani

7.L.Vekatramani

8.T.A.G.Selvaraj

9.T.A.G.Kamaraj

10.T.A.G.Pandiarajan

11.T.A.G.Rajan

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the second respondent District Revenue Officer in Na.Ka.No.12607/15/G5, dated 17.03.2017, and quash the same and further direct the respondents 1 to 4 to restore the names of petitioner's mother Late Tmt.R.M.Sundariammal and her legal heirs including the petitioner herein in the entries in the revenue records and other official documents and to issue patta in their favour within a reasonable time as may be specified by this Court.

For Petitioner

: Mr.Isaac Mohanlal,
Senior Counselfor M/S.Isaac Chambers

For R1 to R4

: Mr.C.Raman,
Additional Government Pleader.

For R5

: Mr.Lajapathy Roy

<https://hcservices.ecourts.gov.in/hcservices/>

For R7

: Mr.T.S.R.Venkataram

For R6, R8 to R11

: No Appearance

**ORDER**

This writ petition has been filed to quash the impugned proceedings issued by the second respondent District Revenue Officer in Na.Ka.No.12607/15/G5, dated 17.03.2017 and direct the respondents 1 to 4 to restore the names of petitioner's mother Late Tmt.R.M.Sundariammal and her legal heirs including the petitioner herein in the entries in the revenue records and other official documents and to issue patta in their favour within a time frame.

2.It is admitted that the Revenue Officials have decided the issue relating to transfer of patta in favour of the respondents. The petitioner, however, has obtained an interim order against the respondents.

3.The learned counsel appearing for the respondents 5 and 7 submitted that the revenue records stand in their name and they are in possession of the property. This Court or revenue authorities cannot conduct enquiry and decide the issue regarding title or enjoyment.

4.It is stated by the contesting respondents that the patta was earlier issued in favour of either the respondents or in the name of their predecessor in interest.

5.In such circumstances, the question of possession cannot be gone into by this Court or by the revenue officials as against the entry in the revenue records. It is open to the petitioner to establish his title before the Civil Court. Upon establishing such title in favour of the petitioner, it is open to the petitioner to approach the revenue officials for making corrections in the revenue records, as per Civil Court decree.

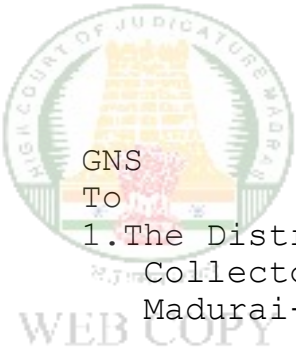
6.It is admitted that the petitioner has filed a suit in O.S.No.115 of 2011 before the District Munsif, Madurai. It is stated that the said suit was filed for bare injunction. It is open to the petitioner to file necessary amendment petition to include the prayer for declaration of title and prosecute the suit. Depends upon the out come of the decision of the Civil Court in the pending suit, the petitioner can workout his remedy, in accordance with law.

7.Granted liberty to the petitioner in the above manner, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

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GNS

To

1.The District Collector,
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2.The District Revenue Officer,
District Revenue Office,
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3.The Revenue Divisional Officer,
Revenue Divisional Office,
Madurai District, Madurai-625 020.

4.The Tahsildar,
Madurai South,
Arignar Anna Nagar, Madurai-625020.

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-3383[F] 28/01/2020)

+1 CC to M/s.T.LAJAPATHIROY, Advocate (SR-3458[F]

+1 CC to M/s.SPL.GP (SR-3362[F] dated 28/01/2020)

+1 CC to M/s.T.S.R.VENKAT RAMANA, Advocate (SR-3487[F]

W.P. (MD) No.18096 of 2017

SMA/07/02/2020/3P/9C