

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 29.01.2021
CORAM
THE HONOURABLE Mr. JUSTICE S.S.SUNDAR
W.P. No. 1588 of 2021

P.Ramasamy

.. Petitioner

Vs

1.The District Collector,
Tiruppur,
Tiruppur District.

2.The Revenue Divisional Officer,
Dharapuram,
Tiruppur District.

3.The Tahsildar,
Kangayam,
Tiruppur District.

4.M/s.KAS Industries India Private Limited,
Rep. By its, Managing Director,
A.Sameem,
S/o. K. Aludin,
No.228, Arumugam Street,
Tirunagar Colony,
Karuingkalpalayam,
Erode Taluk and District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the third respondent to consider petitioner objections dated 23.12.2020 while deciding the fourth respondent application for sub division and issuance of patta in respect of agricultural land comprised 283/2A, 283/2C, 275/1, 285/2, 285/3 situated at Pachampalayam Village, Kangayam Taluk, Tiruppur District.

For Petitioner : Mr. K.Myilsamy

For Respondents 1-3 : Mr. M.Mani Gopi

4 : No appearance

O R D E R

This Writ Petition has been filed for issuance of Writ of Mandamus directing the third respondent to consider the petitioner objections dated 23.12.2020 while deciding the fourth respondent's application for sub division and issuance of patta in respect of agricultural land comprised 283/2A, 283/2C, 275/1, 285/2, 285/3 situated at Pachampalayam Village, Kangeyam Taluk, Tiruppur District.

2. The petitioner states that an extent of 36.0 acres and cents comprised in Survey Nos. 283/2A, 283/2C, 275/1, 285/2 and 285/3 situated at Pachampalayam Village, Kangeyam Taluk, Tiruppur District, originally belonged to one Kulandaisamy who is the grand father of the petitioner by virtue of registered partition deed and subsequent sale deed dated 04.01.1933. The said partition deed and the sale deed are not produced before this Court. It is the case of the petitioner that his grand father died in the year 1974 leaving behind his only son Palanisamy and daughter by name Amalathal @ Alamelu. Stating that the female heirs did not get any share or right over the ancestral properties, the petitioner challenges the sale deed stated to have been executed by the legal heirs of the said Amalathal @ Alamelu in favour of the fourth respondent.

3. By admitting the fact that the grand father of the petitioner died in the year 1994, the petitioner cannot claim the property to be ancestral without establishing the fact that the property was ancestral in the hands of the petitioner's grand father himself. The petitioner's grand father purchased the property by a separate sale deed in the year 1933 which suggest that the property was acquired by the grand father and it would be treated as self acquired property of the grand father. However, this Court need not discuss the character the properties as it is open to the parties to establish before the Civil Court at the appropriate time.

4. Having regard to the facts in this case, the petitioner indirectly challenges the sale deed stated to have been executed by the legal heirs of the petitioner's paternal aunt and the subsequent transfer of patta. Going by the genealogy the petitioner cannot question the sale deed before the Registering Officer or the Revenue Authorities. Neither the Revenue Officials under the Tamil Nadu Patta Pass Book Act nor the Registering Authority under the Registration Act are empowered to decide the question of title or rights in respect of the lands especially having regard to the nature of dispute.

In such circumstances, preserving the right to the petitioner to agitate his exclusive title or right before civil forum, this Writ Petition is closed. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/
Sub Asst. Registrar

bkn
To

1.The District Collector,
Tiruppur,
Tiruppur District.

2.The Revenue Divisional Officer,
Dharapuram,
Tiruppur District.

3.The Tahsildar,
Kangeyam,
Tiruppur District.

+1 cc to Mr.K.Myilsamy Advocate sr5008
+1 cc to the government Pleader sr4925

WP.No.1588 of 2021

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