



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2021

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THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

W.P. No. 12553 of 2015 and
M.P. No. 1 of 2015

R.Ramalingam

... Petitioner

-vs-

1. The District Collector,
Ariyalur District,
Ariyalur - 621 704.
2. The District Revenue Officer,
Ariyalur, Ariyalur District.
3. The Revenue Divisional Officer,
Jayankondam, Ariyalur.
4. The Tahsildar,
Tahsildar Office,
Jayankondam, Ariyalur.
5. The Special Tahsildar,
Harijan Welfare Department,
Combined Complex,
(Government Offices)
Jayankondam Road,
Udayarpalayam - 621 704.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records of the second respondent pertaining to the proceedings in Na.Ka.No.A2/1679/2014 dated 20-03-2015 and quash and consequently direct the respondents to issue Patta to the petitioner in respect of the land measuring 15 cents out of 63 cents in Survey Field No.306/9, Venmaankondan Village, Udayarpalayam Taluk, Ariyalur District.

For Petitioner : Mr.P.Valliappan

For Respondents : Ms.Akila Rajendran
Counsel for Government

O R D E R

The prayer sought for herein is for a Writ of
<https://hcservices.ecourts.gov.in/hcservices/> Certiorarified Mandamus calling for the records of the second



respondent pertaining to the proceedings in Na.Ka.No.A2/1679/2014 dated 20-03-2015 and quash and consequently direct the respondents to issue Patta to the petitioner in respect of the land measuring 15 cents out of 63 cents in Survey Field No.306/9, Venmaankondan Village, Udayarpalayam Taluk, Ariyalur District.

2. In respect of the property measuring 15 cents out of 63 cents in Survey No.306/9 in Venmaankondan Village (West), Udayarpalayam Taluk, Ariyalur District, the petitioner claims ownership through a sale deed of the year 1972, under which, the petitioner claimed to have purchased the property from one Veeramuthu.

3. In that capacity, when the petitioner claims patta over the said property, it seems, the said request of the petitioner was rejected by the Revenue Tahsildar as well as Revenue Divisional Officer and ultimately, the matter has gone to the second respondent, i.e., District Revenue Officer, Ariyalur, who after hearing the petitioner and after verifying the revenue records, has rejected the claim of the petitioner by order dated 20.03.2015. Challenging the same, the present Writ Petition has been filed with the aforesaid prayer.

4. Supporting the said case, Mr.P.Valliappan, learned counsel appearing for the petitioner would contend that, in the year 1972 itself, the land in question was purchased by the petitioner's father, i.e., Rathinam and thereafter, the petitioner inherited the property and at no point of time except the petitioner's father and subsequently, the petitioner no other third party had been in possession and enjoyment of the property in question.

5. Therefore, the learned counsel would submit that, if at all, any subsequent change had been made based on the earlier patta which stood before UDR survey in favour of any third party, that cannot be taken into account, as no third party can make a claim against the lawful owner like the petitioner as he who inherited the property from his father who purchased the same in 1972 by a valid sale deed and therefore, on the basis of such document, to establish the title, the Revenue Authorities, who have accepted the case of the petitioner, should have passed an order granting patta in favour of the petitioner. However, the said case projected by the petitioner has not been considered in proper perspective either by the Revenue Divisional Officer or the District Revenue Officer concerned, hence the order impugned is liable to be interfered with, he contended.

6. Per contra, Ms.Akila Rajendran, learned counsel for the Government appearing for the respondents would submit that, insofar as the property in question is concerned, it is the claim of the petitioner that, he purchased the property in the year 1972 from one Veeramuthu.



7. However, as per the revenue records, the property in question in Survey No.306/9 in Patta No.500, stood in the name of one Manickam S/o Karuppa Padayachi.

8. Subsequently, the land in question at Survey No.306/9 and some other lands were acquired for providing house sites to landless Adi-Dravidar people to the extent of 3.7 acres and as per the proceedings of the fifth respondent in Na.Ka.A/882/1980 dated 31.12.1980, those lands including the land in question having been acquired, had been issued patta to 67 beneficiaries belongs to Adi-Dravidar Community.

9. The learned counsel for the Government would further submit that, during the acquisition proceedings, only the Manickam S/o Karuppa Padayachi had appeared before the acquisition authorities and raised an objection and against the said objection, since the acquisition proceedings were concluded, the lands were given to landless poor, especially the Adi-Dravidar people to the said 67 persons. Therefore, the question of claiming any patta to the said land by the petitioner does not arise. The learned counsel for the Government would further submit that, in view of the aforesaid facts, the first respondent through the impugned order, directed the petitioner to approach the Civil Court if he is aggrieved of the said stand taken by the Revenue Authorities, as beyond which, the Revenue Authorities cannot go into the title over the property in question between the petitioner and the other persons, from whom, the land in fact, had been acquired and compensation had been paid. Therefore, if at all, the petitioner is aggrieved with the said order, he can very well approach the Civil Court seeking for a declaratory decree on the title over the property in question and therefore, the impugned order cannot be questioned in this writ proceedings successfully, she contended.

10. I have considered the said submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

11. It is the claim of the petitioner that, the petitioner's father purchased the property by way of sale deed in the year 1972 from one Veeramuthu, through the said document, the petitioner traced title, as from the petitioner's father, he inherited the property.

12. However, the stand of the respondents, i.e., Revenue Department is concerned, they stated that, even as per the UDR survey and prior to that, the property in question at Survey No.306/9 is concerned, which stood in the name of Manickam S/o Karuppa Padayachi. Subsequently, not only the subject land, but also some other lands to an extent of 3.7 acres were sought to be acquired for the purpose of house plots to the Adi-Dravidar people. In this regard, the District Collector has issued the proceedings dated 02.09.1980 followed by the



Tahsildar concerned on 31.12.1980, i.e., fifth respondent herein and accordingly, the land had been distributed to 67 beneficiaries.

13. It is the further case of the Revenue Authorities that, during the acquisition proceedings, notice had been issued only in respect of the land owner based on the revenue records, i.e., Manickam S/o Karuppa Padayachi, who appeared before the acquisition authorities and registered his protest, however, the land has been acquired and compensation has been paid.

14. All these developments have already been taken place, which have been confirmed by the Revenue Authorities through the impugned order also.

15. In this context, if at all, the petitioner claims title over the property through 1972 sale deed, whether the said sale would sustain in the eye of law or not, cannot be decided by the Revenue Authorities, as that kind of decision would amount to transgress the jurisdiction vest with them under Tamil Nadu Patta Passbook Act, 1983. Therefore, the first respondent, through the impugned order, has rightly directed the petitioner to approach the Competent Civil Court, if he felt aggrieved over the impugned order.

16. This Court is also of the considered view that, if at all, there has been a dispute of title over the property, the aggrieved party cannot expect a decision either from the Revenue Authorities or from this Court under Article 226 of the Constitution of India.

17. In that case, the proper remedy available to the parties is only to approach the Competent Civil Court to file a proper Suit seeking declaratory decree of the title over the property.

18. In fact, this has been indicated by the respondents in the impugned order. Therefore, agreeing with the same, this Court feels that, the petitioner can be relegated to approach the Civil Court, if he is advised to do so, to establish his rights by filing a proper Suit to seek for a declaratory decree.

19. In that view of the matter, the impugned order in the eye of law, cannot be said to be infirmed or flawed for the time being unless and until, a different decision comes from the Civil Court in any Suit to be filed in this regard by the petitioner. Hence, the impugned order as of now is sustained and therefore, it cannot be interfered with.

20. With the aforesaid observations and liberty to the petitioner to approach the Civil Court as indicated above, this writ petition is dismissed. However, there shall be no



order as to costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-

Assistant Registrar (CS-VIII)

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Sub-Assistant Registrar

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To

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Combined Complex,
(Government Offices)
Jayankondam Road,
Udayarpalayam - 621 704.

+1cc to Mr.P.Valliappan, Advocate, SR.No.34609

+1cc to Government Pleader, SR.No.34968

W.P. No. 12553 of 2015 and
M.P. No. 1 of 2015

PCH (CO)
CT (07/09/2021)