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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2021

CORAM

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

W.P. No. 8438 of 2011
and M.P. No. 2 of 2011

Sardar (Deceased)

2.Noorrussaher

3.Parvez Sardar (Minor)

4.Bebesara (Minor)

5.Shahan Ahmed (Minor)

... Petitioners

(P2 to P5 are Minors Rep. by their Mother and Guardian Noorrussaher, the second petitioner herein)

(P2 to P5 substituted as legal heirs of deceased sole petitioner vide order dated 12.03.2021 made in W.M.P. No.6931 of 2021 in W.P. No.8438 of 2011)

Vs.

1.The Tahsildar,
Hosur Krishnagiri District.

2.The Collector of Krishnagiri,
Krishnagiri District.

3.Sub Registrar,
Hosur, Krishnagiri District.

4.Mallika Jan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records of the first respondent and to quash the order of the first respondent, changing the patta in Survey No.201/4, Bagalur Village Hosur, Taluk, Krishnagiri District in the name of the fourth respondent herein.

For Petitioners : Mr. M.V.Krishnan

For Respondents : Mrs. A.Madhumathi
Special Government Pleader



O R D E R

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This writ petition is filed for issuing a writ of Certiorari to quash the order of the first respondent granting patta in favour of the fourth respondent in respect of a small house site in Survey No.201/4 in Bagalur Village, Hosur Taluk, Krishnagiri District.

2. The petitioner claims to have purchased a property namely a house site in Survey No.201/4 in Bagalur Village, Hosur Taluk, Krishnagiri District by virtue of a registered sale deed dated 12.12.1996. The petitioner has produced before this Court the Power of Attorney deed executed by the original owners by name Ms.Seethalakshmi and Mr.Satyanarayanan, in favour of the Power of Attorney Agent from whom the petitioner has purchased the property. Except a house tax receipt for the year 2008 and 2009, no other document is produced before this Court to show that the petitioner's vendor had title over the property. It is pertinent to mention that the house tax receipt may not help the petitioner to establish his title as the property purchased by the petitioner was a vacant site and that this Court may not accept unless the petitioner proves that he has put up construction and got the property assessed to property tax by the local body.

3. It is admitted that the fourth respondent has filed a suit in O.S. No.46 of 2009 on the file of District Munsif Court, Hosur, for declaration of title and for consequential relief. In the said circumstances, this Court cannot decide the disputed question of title on the basis of documents produced before this Court. The question of title involving disputed questions of fact cannot be decided in a petition filed under Article 226 of Constitution of India. The Civil Court may decide the issue relating to title on the basis of materials and evidence adduced by the parties before the Civil Court.

4. In such circumstances, this writ petition is dismissed. No costs. Connected miscellaneous petition is closed. However liberty is preserved to the petitioner to establish his title before the Civil Court. The Revenue Officials are directed to modify revenue records in terms of the Civil Court's decree in suit in O.S. No.46 of 2009 in the file of District Munsif Court, Hosur. The further grievance of the petitioner is that the suit is pending for more than eleven years without any progress.



Hence, this Court also directs the learned District Munsif Court, Hosur, to dispose of suit in O.S. No.46 of 2009 as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order.

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Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

bkn
To

- 1.The District Munsif,
Hosur.
- 2.The Tahsildar,
Hosur Krishnagiri District.
- 3.The Collector of Krishnagiri,
Krishnagiri District.
- 4.Sub Registrar,
Hosur, Krishnagiri District.

+1cc to the Government Pleader Sr.18180
+1cc to Mr.P.T.Perumal, Advocate Sr.17796

W.P. No. 8438 of 2011

um[col]
srg 16/07/2021