



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

W.P. No. 12564 of 2021
and
W.M.P. No. 13355 of 2021

1. R.Gurumoorthy
2. G.Rajeev Gandhi ...Petitioners

-vs-

1. The District Collector,
Collector Office,
Thiruvarur District.
2. The District Revenue Officer,
Thiruvarur.
3. The Zonal Deputy Tahsildar,
Kudavasal,
Thiruvarur District.
4. The Tahsildar,
Kuthanallur,
Tiruvarur District.
5. The Revenue Divisional Officer,
Kudavasal, Tiruvarur,
Tiruvarur District.
6. K.Rajendran ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records of the Second Respondent in Na.Ka. No.5489/2017/ஆ1 dated 18.02.2021, quash the same.

For Petitioner : Ms. P.Mahalakshmi
For Respondents : Dr. S.Suriya
Government Advocate (For R1 to R5)

ORDER

The order dated 18.02.2021, passed by the District Revenue Officer, Thiruvarur is under challenge in the present writ petition.



2.The points for consideration raised by the petitioner are that Natham Assignment patta was granted by the first respondent in the year 1997 with respect to 0.0061 acres alone and the 6th respondent being the maternal uncle of the first petitioner, had not raised any objections for the said patta till the year 2015.

3.Patta, A Register, Chitta Register and all revenue records show that the first petitioner is in possession and enjoyment of the subject property.

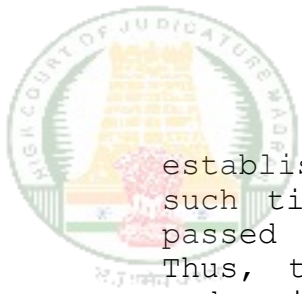
4.The learned counsel for the petitioner states that apparently there is a civil dispute between the parties and such a civil dispute is to be resolved through the competent civil court of law. The Revenue Authorities have no jurisdiction to decide the title over the subject property. Under these circumstances, the District Revenue Officer ought not to have passed the order in favour of the the 6th respondent. The District Revenue Officer entertained the revision petition filed by the 6th respondent, viz., Thiru.K.Rajendran and directed the Tahsildar to transfer the patta in favour of the 6th respondent. In the event of such transfer, the rights of the parties would be prejudiced.

5.In view of the disputed facts, this Court is not inclined to go into the merits at this juncture, as the title and ownership are to be decided with reference to the documents and evidences made available by the respective parties before the competent court of law.

6.This Court cannot conduct a rowing enquiry with reference to the ownership of the title regarding the immovable properties. This apart, mere issuance of patta or cancellation of patta would not confer any title or ownership to any person.

7.Patta, being a revenue record, must be issued to the owner and when the ownership itself is disputed between the parties, then the parties must approach the civil court of law and till such time, the Revenue Authorities are bound to keep the patta application in abeyance or the application may be returned back with a liberty to file after resolving the civil dispute between the parties.

8.Perusal of the order impugned reveals that the parties have disputed the title in respect of the subject property. It is contended that the patta was initially granted erroneously in the name of Arulmigu Aayayiramman Kovil. Thus, the disputes are to be resolved with reference to the documents and evidences. This being the factum established, either of the parties to the dispute are at liberty to approach the civil court of law to



establish their civil rights regarding title or ownership. Till such time the civil disputes are resolved, the impugned order passed by the second respondent is to be kept in abeyance. Thus, the second respondent is directed to keep the impugned order in Na.Ka. No.5489/2017/M1, dated 18.02.2021 in abeyance till such time the parties resolve the dispute by approaching the competent civil court of law.

9. With the above directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

abr/maya

To

1. The District Collector,
Collector Office,
Thiruvarur District.
2. The District Revenue Officer,
Thiruvarur.
3. The Zonal Deputy Tahsildar,
Kudavasal, Thiruvarur District.
4. The Tahsildar,
Kuthanallur, Tiruvarur District.
5. The Revenue Divisional Officer,
Kudavasal, Tiruvarur,
Tiruvarur District.

+1 CC to The Government Pleader, Sr 27719.

W.P. No. 12564 of 2021

KV(CO)
LS(20/07/2021)