



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2021

CORAM

THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WP.No.15141 of 2021

and

WMP.Nos.16042 & 16043 of 2021

1.N.Ravichandran

2.R.Mangaiyarkarasi

... Petitioners

Vs

1.District Revenue Officer,
Collector Office,
Karuppagaudanpalayam,
Tirupur 641 604

2.Revenue District Officer,
Jaivabhai School Road,
Susaiyapuram, Rayapuram,
Tiruppur 641 687

3.The Tahsildhar,
Taluk Office - Tirupur South,
Tirupur

4.Revenue Inspector,
South Avinashpalayam,
Tirupur

5.S.Chitradevi

6.D.Kavitha

... Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records of the impugned order dated 02.06.2021 bearing Na.Ka.No.1933/2021/J1 passed by the first respondent and quash the same.

For Petitioners : Mr.K.R.Arun Shabari

For Respondents

For R1to4: Mr.Yogesh Kannadasan,
Special Government Pleader

For R5&6: Mr.K.S.Karthik Raja



ORDER

This writ petition is filed to issue a Writ of Certiorari calling for the records of the impugned order dated 02.06.2021 bearing Na.Ka.No.1933/2021/J1 passed by the first respondent and quash the same.

2. The case of the petitioners is that the first petitioner purchased the property comprised in survey No.592/1A,1B & 1C to an extent of 3.25 acres situated at South Avinashipalayam, Palladam Taluk, Tiruppur District by the registered sale deed dated 22.09.1999 registered vide document No.3227 of 1999. Originally the said property was allotted by the partition deed dated 17.09.1965 in favour of one Periammal. She executed registered Will in favour of her daughter in law by the registered Will dated 20.09.1980 registered vide document No.52 of 1980. One of the allottee under the partition deed dated 17.09.1965 i.e. the brother of the said Periammal i.e. Appavu alias Arunachalam while obtaining chitta in the year 1980-1984 in respect of the property comprised in survey No.593, has also fraudulently obtained chitta for the survey No.592/1C. On the strength of the chitta, obtained patta for the land comprised in survey No.592/1C in patta no.3666. However, possession of the said property was vested only with Periammal who originally was allotted. Subsequently, the said Appavu alias Arunachalam executed Will dated 15.07.1988 registered vide document No.120 of 1998 bequeathing the property in favour of his wife. On the strength of the said Will, one, Papathi alias Visalatshi executed settlement deed dated 04.12.2018 in favour of the fifth and sixth respondents herein.

3. On the strength of the settlement deed, the fifth and sixth respondents had entered into a partition deed dated 12.03.2019 registered vide document No.3484 of 2019. On the strength of the partition deed, they obtained patta. However, they never have possession of the property comprised in survey No.592/1C. While being so, the National Highways Authority proposed to acquire a portion of the land comprised in survey No.592/1A,1B & 1C to an extent of 1.90 acres and thereafter the petitioner came to understand about the issuance of patta in favour of the respondents 5 and 6 in respect of the property comprised in survey No.592/1C. After acquisition, the acquisition authority also granted compensation in respect of the property comprised in survey No.592/1C in favour of the fifth respondent. Therefore, the petitioners filed petition to delete the name of the fifth and sixth respondents in the patta No.3666 in respect of the property comprised in survey No.592/1C situated at South Avinashipalayam.



4. On receipt of the report from the fourth respondent, the third respondent conducted enquiry and recommended, by the communication dated 05.11.2020, to the second respondent to remove the names of the respondents 5 and 6 in patta No.3666 and issue fresh patta in favour of the petitioners in respect of the property comprised in survey No.592/1C. On receipt of the said report, the second respondent conducted detailed enquiry and passed order on 25.01.2021, thereby directed to remove the name of the fifth and sixth respondents in patta No.3666. In fact, on the strength of the said order, the petitioner's name was included in patta No.3666 in respect of the property comprised in survey No.592/1C and subsequently the first petitioner settled the entire property in favour of his wife i.e. the second petitioner by the settlement deed dated 29.01.2021 registered vide document No.1367 of 2021. Aggrieved by the same, the fifth and sixth respondents filed revision before the first respondent and the first respondent by order dated 02.06.2021 set aside the order passed by the second respondent and ordered to restore the patta and directed the parties to approach the civil court concerned for appropriate relief.

5. Admittedly, there is a dispute in respect of title over the property and as such the revenue officials cannot decide the title over the property. That apart, where there are rival disputes, the dispute has to be adjudicated by the appropriate civil court by way of trial. The revenue officials are not competent to adjudicate the dispute arising out of issuance of patta. Therefore, the first respondent rightly passed order and this Court finds no infirmity or illegality in the order passed by the first respondent.

6. Accordingly, this writ petition is dismissed. However, the petitioners and the respondents 5 & 6 are directed to maintain status quo in respect of the property comprised in survey No.592/1C with regards to its possession and enjoyment as on today till the disposal of the civil suit, if any. The petitioners are directed to approach the third respondent for issuance of Patta, if they succeed in the civil court. Consequently, connected miscellaneous petitions are closed. No order as to costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The District Revenue Officer,
Collector Office,
Karuppagaudanpalayam,
Tirupur 641 604

2.The Revenue District Officer,
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Susaiyapuram, Rayapuram,
Tiruppur 641 687

3.The Tahsildhar,
Taluk Office - Tirupur South,
Tirupur

4.The Revenue Inspector,
South Avinashpalayam,
Tirupur

+2cc to Mr.K.R.Arunshabari, Advocate SR.No.58944, 59251
+1cc to the Government Pleader SR.No.59803

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SSI (CO)
GN(01/12/2021)