



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.27167 OF 2014

AND

M.P.NO.1 OF 2014

J.Elumalai

... Petitioner

.Vs.

1. The Revenue Divisional Officer,
Villupuram District,
Villupuram.

2. The District Revenue Officer,
Villupuram District,
Villupuram.

3. Poongan

... Respondents

PRAYER:- Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records relating to the order made in Na.Ka.A7/4982/2013 dated 19.09.2014 on the file of the second respondent confirming the order passed by the first respondent in Na.Ka.a2/4223/2011 dated 07.01.2013 and quash the same.

For Petitioner : Mr.C.Munusamy

For Respondents : Mr.M.R.Gokul Krishnan
1 & 2 Government Advocate

For Respondent 3 : Mr.V.Raghavachari

O R D E R

This writ petition has been filed to issue a Writ of Certiorari to call for the records relating to the order made in Na.Ka.A7/4982/2013 dated 19.09.2014 on the file of the second respondent confirming the order passed by the first respondent in Na.Ka.a2/4223/2011 dated 07.01.2013 and quash the same.



2. The case of the petitioner is that he is residing in the Hamlet of Thogaipadi Village, Villupuram Taluk at Survey No.13/1 to an extent of 128 sq.mts. Originally, the petitioner's father was residing there and he was issued patta in patta no.81 by the Deputy Tahsildar, Villupuram. After his demise, the petitioner was issued patta no.81 and the petitioner is in possession and enjoyment of the house.

3. While being so, the third respondent submitted that about the representation before the first respondent. Aggrieved by the patta issued in favour of the petitioner. On perusal of the statement made before the first respondent revealed that the third respondent constructed house and he was residing there and wrongly issued patta in favour of the petitioner. On perusal of the statement of the petitioner also revealed that the petitioner is residing in the subject property, even from his father's lifetime and both were issued patta.

4. However, both failed to produce any other oral or documentary evidence to show that they are in possession and enjoyment of the subject property. However, the petitioner herein to oppose the property tax receipt. That the first and second respondents only on the basis of the field inspection report filed by the Field Inspector and by the Deputy Tahsildar concluded that the third respondent is in possession and enjoyment of the subject land and therefore he was issued patta. Therefore, the petitioner and the third respondent have to prove their title over the property before the issuance of patta.

5. In view of the above, the order made in Na.Ka.A7/4982/2013 dated 19.09.2014 passed by the second respondent is set aside. It is made clear that the petitioner and the third respondent are directed to approach the concerned Civil Court for declaration of their title and thereafter, they are at liberty to approach the concerned Tahsildar for issuance of patta for the subject property.

6. Accordingly, this writ petition is allowed. No order as to costs. Consequently, the connected M.P.No.1 of 2014 is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rna



To

1. The Revenue Divisional Officer,
Villupuram District,
Villupuram.

2. The District Revenue Officer,
Villupuram District,
Villupuram.

+1cc to the Government Pleader, S.R.No.57696

W.P.NO.27167 OF 2014 AND
M.P.NO.1 OF 2014

RLD(CO)
PBS/29/11/2021