



BEFORE THE MADURAI BENCH OF MADRAS HIGH Court
DATED: 30.06.2021
CORAM:
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD)No.10777 of 2021
and WMP (MD) Nos.8400 of 2021
(Through Video Conferencing)

M.Ramanathan

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Karambakudi Taluk
Pudukottai District.

2.The Special Tahsildar,
Karambakudi Taluk
Pudukottai District.

3.The Sub Registrar,
Sub Registrar Office,
Karambakudi
Pudukottai District.

4.M.Arangulavan

5.M.Chakkaravarthy

6.M.Srinivasan

7.Milrani @ Pilrani

8.Prema

9.Sundharam

10.Sindhammal

11.Revathi

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the 2nd respondent to consider the petitioner's representation dated 22.02.2021 for seeking cancellation of patta in respect of S.NOs.13/1 and 374 Karambakudi Village, Karambakudi Taluk, Pudukottai District.



For Petitioner : Ms.S.Mahalakshmi
For Respondents : Mr.M.Lingadurai for R1 to R3
Government Advocate

ORDER

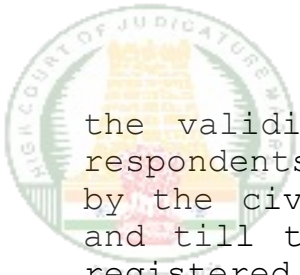
This writ petition has been filed for the issue of a Writ of mandamus directing the second respondent to consider the representation made by the petitioner on 22.02.2021, wherein the petitioner is seeking for cancellation of patta issued in favour of the 8th respondent with respect to the subject property.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents 1 to 3.

3. The case of the petitioner is that the subject property was originally enjoyed by his father and the patta also stood in his name in Patta No.896. The further case of the petitioner is that he died intestate and thereby the petitioner and respondents 4 to 7 and his mother became the legal heirs. It is stated that there was a partition among the family members in the presence of panchayat members on 20.09.1998. Admittedly, this is more in the nature of an unregistered partition. The grievance of the petitioner is that the respondents 4 to 7 sold a portion of the property in favour of third parties and another portion was settled in favour of the 8th respondent. The apprehension of the petitioner is that the 8th respondent is trying to sell the portion of the property that was settled in her favour.

4. In the considered view of this Court, the partition in question is an unregistered partition and whether it was acted upon by the parties is a matter for evidence. That apart even the admitted case of the petitioner is that right from the year 2018 onwards, there have been at least three registered documents executed and those documents have not been questioned before any Court till date. Pursuant to the execution of these documents, the patta has also been transferred in the name of the respondents 5, 8 and 11. The petitioner is seeking for cancellation of these pattas issued in favour of the respondents. There is no question of cancelling these pattas without the petitioner questioning the validity of the documents executed in favour of these respondents. The revenue authorities cannot go into the dispute of title over the property and they have to necessarily act upon the documents executed in favour of respondents 5, 8 and 11.

5. In view of the above discussion, no useful purpose will be served in directing the second respondent to consider the representation made by the petitioner, wherein the petitioner is seeking for cancellation of patta. The only option that is left to the petitioner is to approach a competent civil Court and question



the validity of the documents executed in favour of the private respondents. Only based on the ultimate judgment and decree passed by the civil Court, the revenue authorities can act upon the same and till then, they may not have the jurisdiction to question the registered documents.

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6. Except giving this liberty to the petitioner, no further orders can be passed in this writ petition and this writ petition is accordingly disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Revenue Divisional Officer,
Karambakudi Taluk
Pudukottai District.

2.The Special Tahsildar,
Karambakudi Taluk
Pudukottai District.

3.The Sub Registrar,
Sub Registrar Office,
Karambakudi
Pudukottai District.

+1 CC to M/s.S.MAHALAKSHMI, Advocate (SR-20802[F] dated 01/07/2021)

+1 CC to M/s.SPL GP (SR-20894[F] dated 01/07/2021)

W.P. (MD)No.10777 of 2021

30.06.2021

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TR(07.07.2021) 3P 6C