



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2021

CORAM

THE HONOURABLE MR.JUSTICE **V. PARTHIBAN**

W.P. (MD)No.14077 of 2014

and

W.M.P. (MD)No.1 of 2014

WEB COPY

S.Dharmarajan

: Petitioner

Vs.

1. The District Revenue Officer,  
Sivagangai, Sivagangai District.

2.R.M.Lakshmanan

3.Ramanathan

: Respondents

PRAYER :- Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorari, to call for the records pertaining to the proceedings of the first respondent in Pa.Mu.Pi.1.33420/12, dated 24.07.2014 and quash the same as illegal and arbitrary.

For Petitioner

:Mr.K.N.Govardhanan

For R1

:Mr.K.Sathiyasingh

Additional Government Pleader

For R2 and R3

:Mr.S.M.Sanjay

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### **ORDER**

According to the petitioner that he has purchased the property in T.S.Nos.302/3 and 303 in Block No.3, Ward No.1 of Kalanivasal Group, Karaikudi Taluk, Sivagangai District. The property originally belonged to one Ramasamy Chettiar. In a family arrangement, the property in question was allotted to one Meyyappan, from whom, the petitioner has purchased the property in 2011 and after that, the petitioner has been in exclusive possession and enjoyment of the property.

2.According to the petitioner that his vendor Meyyappan had approached the Revenue Divisional Officer, Devakottai, for change of patta and after conducting a detailed enquiry, patta was issued in his favour and there was no further proceedings against the order passed by the Revenue Divisional Officer. In the said circumstances, the second and third respondents preferred a revision petition, though they were not parties earlier, on 06.12.2012 to the first respondent challenging the order of the Revenue Divisional Officer, Devakottai, dated 10.10.2011. According to the petitioner that the first respondent ought not to have entertained the revision in the first place, since it was filed after the statutory period of 30 days and more over, the second and third respondents were not



even parties in the proceedings before the Revenue Divisional Officer and therefore, they have no right to maintain the Revision Petition.

3. According to the petitioner that without considering the legal objection, the first respondent has initiated enquiry into the revision application. The petitioner, therefore, appears to have approached the Civil Court in O.S.No.146 of 2013 against the second respondent before the District Munsif Court, Karaikudi pertaining to the subject property. However, the first respondent, without waiting for the outcome of the civil proceedings and also overlooking the maintainability issue, passed the impugned order on 24.07.2014 cancelling the patta granted in favour of the said Meyyappan by the Revenue Divisional Officer and by which, the patta granted to the petitioner has also been cancelled. Therefore, the petitioner is before this Court challenging the order of the first respondent in the revision petition filed at the instance of the second and third respondents herein.

4. Although elaborate submissions have been made on behalf of the petitioner, this Court perused the impugned order passed by the first respondent and found that the property has been transferred by fraudulent means and therefore, the first respondent had intervened the matter by referring to the report of the Tahsildar and other revenue officials. In any case, there are several aspects, as to the factual controversies in deciding the disputes, as between the petitioner and private respondents, which cannot be undertaken by this Court in exercise of its jurisdiction under Article 226 of Constitution of India.

5. In the above circumstances, this Court is of the view that the proper course for the petitioner is to go before the Civil Court to agitate his rights and the Civil Court is the proper forum for the petitioner to establish his rights as against the private respondents in regard to his title to the property in question. It is certainly not open to the petitioner to challenge the order passed by the first respondent in the facts and circumstances of the case in a Writ jurisdiction.

6. For the aforesaid reasons, this Writ Petition stands dismissed as not maintainable. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

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/ /2021

Sub Assistant Registrar(CS)



W.P.(MD)No.14077 of 2014

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To

The District Revenue Officer,  
Sivagangai, Sivagangai District.

W.P. (MD) No.14077 of 2014  
11.03.2021

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