



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 13.06.2022
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.10064 of 2013

1.K.M.Zakhiria
2.K.M.Abdul Suban
3.A.Shabiullah
4.A.Abdul sukkur

... Petitioners

Vs.

1.The District Collector,
The District Collectorate,
Krishnagiri.

2.The District Revenue Officer,
Krishnagiri,
Krishnagiri District.

3.The Revenue Divisional Officer,
Krishnagiri,
Krishnagiri District.

4.The Thasildar,
The Thaluk Office,
Krishnagiri.

5.Rathinamma

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the entire records in connection with the impugned order of the third respondent in Na.Ka.No.2573/ 2012/E dated 31.08.2012 and quash the said proceedings of the third respondent dated 31.08.2012.

For Petitioners : Mr.P.Dineshkumar
for M/s.Mukund R.Pandiyan

For Respondents : Mr.P.Sathish for R1 to R4
Additional Government Pleader
Mr.S.Parthasarathy for R5



O R D E R

The petitioners have filed this writ petition seeking issuance of Writ of Certiorari to call for the entire records in connection with the impugned order of the third respondent in Na.Ka.No.2573/ 2012/E dated 31.08.2012 and to quash the said proceedings of the third respondent dated 31.08.2012.

2.The case of the petitioners is that the petitioners are the joint owners of the disputed property. Originally, the property belonged to one Kittappa Naidu and after his demise, the property was purchased by the petitioners from his legal heirs. The petitioners partitioned the property among themselves and made representation to the fourth respondent to subdivide the land and to issue patta in their names. Accordingly, the fourth respondent sub-divided the property and issued patta in favour of the petitioners.

3.The further case of the petitioners is that while such being the position, the fifth respondent and her sons tried to disturb the possession of the petitioners and hence, the petitioners filed O.S.No.201 of 2007 on the file of the District Munsif Court, Krishnagiri for permanent injunction and the said suit was decreed in favour of the petitioners. However, the fifth respondent made representation dated 05.10.2007 to the fourth respondent seeking to cancel the patta issued in favour of the petitioners and after enquiry her request was rejected by the third respondent. Aggrieved by the same, the fifth respondent preferred revision before the second respondent and the said revision ended in dismissal.

4.The further case of the petitioners is that the fifth respondent suppressing all these facts made representation dated 22.11.2010 to the third respondent alleging that some mistake occurred in the revenue records. Since the said representation was not considered, the fifth respondent filed W.P.No.10988 of 2011 before this Court and this Court vide order dated 27.04.2011 disposed of the said representation by directing the third respondent therein to dispose of the fifth respondent's representation. Thereafter, the impugned order came to be passed. Hence, this writ petition.

5.The learned counsel appearing for the petitioners submitted that on earlier occasion, the fifth respondent and her sons tried to disturb the possession of the petitioners and hence, the petitioners filed O.S.No.201 of 2007 on the file of the District Munsif Court, Krishnagiri for permanent injunction



and the said suit was decreed in favour of the petitioners. However, the fifth respondent made representation dated 05.10.2007 to the fourth respondent seeking to cancel the patta issued in favour of the petitioners and after enquiry her request was rejected by the third respondent. Without challenging the rejection rejection order, the fifth respondent once again made representation, suppressing all the facts and obtained order behind the back of the petitioners which is not sustainable one. The impugned order is contrary to the decree passed in O.S.No.201 of 2007 by the District Munsif Court, Krishnagiri and the passed in the revision preferred by the fifth respondent before the second respondent. Accordingly, the learned counsel prayed for allowing the writ petition.

6.The learned counsel appearing for the fifth respondent submitted that the fifth respondent made representation with regard to the extent purchased by the petitioners since the fifth respondent came to know that the original extent conveyed was 2.18 acres whereas patta has been granted to an extent of 2.19 acres. The learned counsel further submitted that the impugned order was passed only after hearing the petitioners and the fifth respondent and further submitted that there is effective appeal remedy available to the petitioners before the District Revenue Officer or the petitioners have to approach the competent civil Court. Without doing so, the petitioners have filed this writ petition which is un-sustainable one. Accordingly, the learned counsel prayed for dismissal of the appeal.

7.Heard the arguments advanced on either side and perused the materials available on record.

8.It is true that on an earlier occasion, the fifth respondent made representation to the fourth respondent seeking to cancel the patta issued in favour of the petitioners and after enquiry her request was rejected by the third respondent, but, the fifth respondent did not challenge the rejection rejection order. However, the fifth respondent came to know that the original extent conveyed to the petitioners was 2.18 acres whereas patta has been granted to an extent of 2.19 acres. Hence, she made representation to the third respondent alleging that some mistake occurred in the revenue records. Thereafter, field inspection was conducted by the official respondents and thereafter, the impugned order has been passed.

9.If at all the petitioners have any grievance, they have to approach the competent civil Court or prefer appeal before the District Revenue Officer. Without doing so, the petitioners have filed this writ petition which is un-sustainable one.



10. In view of the above, the writ petition is dismissed. However, liberty is granted to the petitioners to work out the remedy in the manner known to law. No costs.

WEB COPY

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The District Munsif, Krishnagiri.

2. The District Collector,
The District Collectorate,
Krishnagiri.

3. The District Revenue Officer,
Krishnagiri,
Krishnagiri District.

4. The Revenue Divisional Officer,
Krishnagiri,
Krishnagiri District.

5. The Thasildar,
The Thaluk Office,
Krishnagiri.

+1 cc to Mr.M/s.Mukund R.Pandiyar, Advocate Sr.NO. 34985

+1 cc to Mr.S.Parthasarathy, Advocate Sr.NO. 34925

+1 cc to Government Pleader Sr.NO. 34897

W.P.No.10064 of 2013

SKM(CO)

A.SK(01/07/2022)