



W.P.No.20743 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2022

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.20743 of 2015

and

M.P.No.1of 2015

K.Manivannan

...Petitioner

Vs.

1. The District Revenue Officer,
Ariyalur District,
Ariyalur.

2. The Revenue Divisional Officer,
Ariyalur Division,
Ariyalur District.

3. The Thasildar,
Udayarpalayam Taluk,
Udayarpalayam,
Ariyalur District.

4. Ramalingam

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records of the first respondent in Na.Ka.A2/9487/2012 dated 31.01.2014 confirming the orders of the second respondent in Na.Ka.A2/87/2009 dated 07.08.2012 and quash the same.



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For Petitioner : Mr.S.Kamadevan
For R1 to R3 : Mr.U.Bharanidharan
Additional Government Pleader

ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Certiorari to quash the proceedings of the first respondent in Na.Ka.A2/9487/2012 dated 31.01.2014 confirming the proceedings of the second respondent in Na.Ka.A2/87/2009 dated 07.08.2012.

2. The case of the petitioner is that the property in S.No.85/3 situated in Idanganni Village, Udayarpalayam Taluk, Ariyalur District belongs to the petitioner's family and adjacent to the above said property S.No.85/3A, renumbered as S.No.314/4, is classified as Natham land which is in possession and enjoyment of the petitioner's family. Taking note of the possession and enjoyment of the above said land, a joint patta was issued by the Special Tahsildar in Patta No.546 in favour of the petitioner and the fourth respondent. Seeking to delete the petitioner's name in the joint Patta issued by the Special Thasildar, the fourth respondent made an application dated 09.01.2009 before the second respondent, pursuant to which the second respondent vide proceeding dated 07.08.2012 deleted the name of



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the petitioner in the joint patta. While so, the petitioner preferred an appeal before the first respondent on the ground that the Natham land was also the subject matter of the family arrangement that took place in the year 1959. However, the first respondent vide impugned order dated 31.01.2014 confirmed the proceedings of the second respondent dated 07.08.2012 on the ground that the family arrangement which was arrived among the family members of the petitioner is not a registered one. Challenging the same the present writ petition has been filed seeking the aforesaid relief.

3. Though very many grounds have been raised by the learned counsel on either side at the time of arguments, however, when this Court expressed its opinion that, the issue involved in the present case pertains to disputed questions of facts and is purely a civil dispute between the petitioner and the private respondent / fourth respondent and the same cannot be entertained under Article 226 of the Constitution, the learned counsel for the petitioner restricted his prayer and sought permission of this Court to file appropriate Suit before the Competent Civil Court to establish the title over the subject property. Further, the learned counsel for the private respondent has also not expressed any objection for the limited relief



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sought for by the petitioner.

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4. Heard learned counsel on either side and perused the materials available on record.

5. In view of the aforesaid stand taken by the learned counsel for the petitioner, this Court, without interfering with the order under challenge, grants permission to the petitioner to file appropriate suit before the Jurisdictional Civil Court, to establish his title over the subject property. If such suit is filed, the jurisdictional Civil court shall consider the same and pass orders, without being influenced by any of the observations made in the present order under challenge. Further, liberty is granted to the petitioner to workout his remedy in accordance with law, subject to the outcome of the Suit.

6. With the above observations and directions, this Writ petition is dismissed. No costs. Consequently, connected Miscellaneous petition is closed.

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RAP

Speaking Order : Yes/ No

Index : Yes/ No

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M.DHANDAPANI, J.

RAP

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