



WEB COPY



W.P.No.21270 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.21270 of 2015

And

M.P.No.1 of 2015

V.S.Ravi

... Petitioner

Vs.

1.The District Revenue Officer,
Krishnagiri.

2.The Sub Collector,
Hosur,
Krishnagiri District.

3.The Tahsildar,
Hosur Taluk,
Krishnagiri District.

4.Mathew Thomas

5.Mary Kutty Thomas

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent issued in Pa.Mu.No.4540/2015/J2 dated 18.06.2015 confirming the order of second respondent passed in Pa.Mu.19/2012 (B3) dated 27.08.2013 quash the same and consequently direct the third respondent not to transfer the patta pursuant to the order dated 18.06.2015.



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For Petitioner : Mr.R.Bharath Kumar
For Respondents : Mr.U.Bharanidharan for R1 to R3
Additional Government Pleader

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records of the first respondent issued in Pa.Mu.No.4540/2015/J2 dated 18.06.2015 confirming the order of second respondent passed in Pa.Mu.19/2012 (B3) dated 27.08.2013, quash the same and to consequently direct the third respondent not to transfer the patta pursuant to the order dated 18.06.2015.

2.The case of the petitioner is that the petitioner's grandfather owned 2 acres of land situated in S.No.24/1, Anumepalli Agraharam Village, Hosur Taluk, Krishnagiri District and he settled the said lands in favour of his daughter vide settlement deed dated 19.09.1967 and she died in the year 1969 leaving behind the petitioner as her legal heir. Thereafter, the petitioner became the absolute owner of the subject property. Thereafter the petitioner sold 5 cents to M.C.Thomas, 5 cents to Mary Kutty Thomas, 8 cents to Mathew Thomas and 1.50 acres to G.C.Ramasamy. Whiles, in the sale deeds



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executed in favour of M.C.Thomas, Mary Kutty Thomas, Mathew Thomas, it has been stated as if petitioner sold 50 cents, 50 cents and 68 cents respectively and they made petition before the second respondent to cancel the patta standing in the name of the petitioner and G.C.Ramasamy. The second respondent vide order dated 27.08.2013 cancelled the patta. Aggrieved by the same, the petitioner filed revision before the first respondent and since the same was not considered, the petitioner filed W.P.No.218 of 2015 before this Court and pursuant to the order of this Court dated 07.01.2015, made in the said writ petition, the impugned order came to be passed. Hence, this writ petition.

3.The learned counsel appearing for the petitioner submitted that the petitioner sold only small extent of land to the private respondents, however, by way of manipulation and by playing fraud, they stated more extent in the sale deed is not sustainable one.

4.The learned Additional Government Pleader submitted that based on the sale deed executed by the petitioner only the impugned order was passed. If at all the petitioner has any grievance, the petitioner has to approach the competent civil Court and the Revenue



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Officials have no power to decide the issue in respect of title over the property.

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

6.The facts in the present case is not disputed. The petitioner claim that he sold only small extent of land to the private respondents, however, it is alleged by way of manipulation and by playing fraud, they stated more extent in the sale deed. The issue inbetween the petitioner and the private respondents is civil dispute which can be decided only by the competent civil Court. Hence, the relief sought for in this writ petition cannot be considered.

7.This writ petition is dismissed. However, liberty is granted to the petitioner to work out the remedy before the competent civil Court in the manner known to law. If any civil suit is filed by the petitioner, the concerned Court shall decide the suit without being influenced by any of the observations made in the first respondent's proceedings in Pa.Mu.No.4540/2015/J2 dated 18.06.2015 and in the order of second respondent passed in Pa.Mu.19/2012 (B3) dated



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8.With the above observations, the writ petition is dismissed.

No costs. Consequently, connected miscellaneous petition is closed.

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

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