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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.30445 OF 2012

AND

M.P.NO.1 OF 2012

Thalapathi Murthy

... Petitioner

Vs.

1. The District Collector,
Tiruvallore District,
Tiruvallore.
2. The District Revenue Officer,
Tiruvallore District,
Tiruvallore.
3. The Revenue Divisional Officer,
Tiruthani Taluk,
Tiruvallore District.
4. The Thasildhar,
Tiruthani Taluk,
Tiruvallore District.
5. Vishnu Reddy

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling further records of the order of the second respondent in No.Na.Ka.12656/2012/A3 dated 04.10.2012 in connection with the property in S.No.149 in Venugopalapuram Village, Tiruthani Taluk, Tiruvallure District measuring of an extent of 8 Acres 64 ½ cents and quash the same.

For Petitioner : Mr.P.Sivamani

For Respondents : Mr.G.Nanmaran
Special Government Pleader



O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling for the records of the second respondent in No.Na.Ka.12656/2012/A3 dated 04.10.2012 in connection with the property in S.No.149 in Venugopalapuram Village, Tiruthani Taluk, Tiruvallure District measuring of an extent of 8 Acres 64 ½ cents and to quash the same.

2.The case of the petitioner is that the petitioner is the owner of the subject property. On the basis of the complaint given by the fifth respondent to the third respondent, the impugned order cancelling the patta issued in favour of the petitioner came to be passed by the second respondent. Hence, this petition.

3.The learned counsel appearing for the petitioner submitted that the petitioner is the owner of the subject property and he purchased the same from the legal heirs of one Venkatesan. Thereafter, patta was transferred to his name. However, since the fifth respondent sought for patta in respect of the subject property in his name, without conducting proper enquiry, the impugned order was passed by the second respondent.

4.The learned Special Government Pleader appearing for the official respondents submitted that patta originally stood in the name of one Chenna Pasavaiah Chetty. He further submitted that the petitioner has not produced any document to establish that he purchased the property from the said Chenna Pasavaiah Chetty or his legal heirs and he did not produce any document to establish his title.

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

6.The issue involved in the writ petition is disputed question of fact that cannot be decided under Article 226 of the Constitution of India. The petitioner has to approach the competent civil Court to establish his title and thereafter, approach the competent Revenue Authority for issuance of patta. In the absence of any evidence to establish his title, the petitioner cannot seek for transfer of patta in his name. Hence, this Court is not inclined to interfere in the impugned order.

7.This writ petition is accordingly dismissed. However, liberty is granted to the petitioner to work out the remedy in the manner known to law. No costs. Consequently, the connected



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miscellaneous petition is closed.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Tiruvallore District,
Tiruvallore.
2. The District Revenue Officer,
Tiruvallore District,
Tiruvallore.
3. The Revenue Divisional Officer,
Tiruthani Taluk,
Tiruvallore District.
4. The Thasildhar,
Tiruthani Taluk,
Tiruvallore District.

+1cc to M/s.R.N.Karthikeyan, Advocate, S.R.No.13213

+1cc to M/s.P.Sivamani, Advocate, S.R.No.13238

+1cc to the Government Pleader, S.R.No.13769

W.P.No.30445 of 2012
And
M.P.No.1 of 2012

BP (CO)
RLP (18/03/2022)