



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No.7558 of 2022
and W.M.P.No.7559 of 2022

V.Palaniappan

... Petitioner

Vs.

1. The District Collector,
Tiruppur District,
Tiruppur.
2. The District Revenue Officer,
The District Revenue Office,
Tiruppur.
3. The Revenue Divisional Officer,
The Revenue Divisional Office,
Tiruppur.
4. The Revenue Thasildar,
Taluk Office,
Avinasi,
Tiruppur District.
5. Chandran
6. Saminathan
7. V.P.Velusamy

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order no.Na.Ka.10666/2018/J1 dated 09.07.2021 passed by the first respondent and quash the same.

For Petitioner

: Mr.G.Pavendhan

For Respondents R1 to R4

: Mr.R.Vigneswaran
Government Advocate



O R D E R

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order no.Na.Ka.10666/2018/J1 dated 09.07.2021 passed by the first respondent and quash the same.

2. Mr.R.Vigneswaran, learned Government Advocate takes notice for the respondents 1 to 4. In view of the limited relief sought for in this petition, on the consent expressed by the learned counsel appearing on either side, the writ petition is taken up for final disposal. Since, no adverse order is passed against the respondents 5 to 7, their presence is dispensed with.

3. The case of the petitioner is that the agricultural land comprised in S.No.506 to an extent of 1.24 acres was originally owned by the petitioner's father from the year 1960 onwards and he was doing agricultural work and he was also paying the necessary revenue charges to the respondents. Thereafter, the respondents made sub division on the land in S.No.506 and sub divided the land as S.No.506/1 and the petitioner's father was issued patta in Patta No.1043. Thereafter, the petitioner's father passed away on 09.09.1972. Thereafter, the petitioner is paying all the necessary revenue charges for the said land. While being so, the respondents 5 to 7 have fabricated forged documents and manipulated the patta in favour of the fifth respondent for the subject land in S.No.506/1. Thereafter, the petitioner made several representations to cancel the patta which is in the name of the fifth respondent. Even then the respondents did not consider his representation. Therefore, the petitioner filed a writ petition in W.P.No.25516 of 2017 before this Court and this Court by an order dated 22.09.2017, directed the third respondent herein to consider the representation of the petitioner and to dispose of the same within a period of eight weeks from the date of receipt of a copy of the order.

4. Thereafter, the petitioner made a representation to the Sub Collector, Tiruppur to take action on his representation. Thereafter, the Sub Collector issued summons to the petitioner to attend the enquiry. However, the enquiry was not conducted. Thereafter, the petitioner made a representation on 09.11.2017 under RTI Act, requesting to furnish the details of the actions taken on the petitioner's representation by the Sub Collector, Tiruppur. However, the Sub Collector, Tiruppur rejected the request made by the petitioner, against which, the petitioner filed a Review petition before the first respondent and the same was rejected on 09.07.2021 by order No.Na.Ka.10666/2018/J1. Challenging the same, the present



petition is filed.

5. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents 1 to 4 and perused the documents available on record.

6. A perusal of the records reveal that it is even the alleged case of the petitioner that respondents 5 to 7 have fabricated documents and obtained patta, which is sought to be cancelled by the petitioner by submitting representation to the respondents. The respondents/revenue officials have rightly rejected the said representation for the simple reason that the authenticity of the said documents cannot be adjudicated by the respondents. The authenticity of the documents can be tested only before the competent civil forum for which the petitioner has to file appropriate suit before the competent jurisdictional Court for necessary relief and this Court cannot grant any relief in exercise of its jurisdiction under Article 226 of the Constitution. Therefore, the prayer as sought for by the petitioner cannot be granted.

7. For the reasons aforesaid, this writ petition is dismissed granting liberty to the petitioner to file appropriate suit before the Civil Court and if such suit is filed, the Trial Court shall consider the matter independently and pass orders without in any way being influenced by any observation made by this Court in this order and subject to the result of the suit, the petitioner may renew his request before the revenue authorities for grant of patta on the basis of the orders passed by the Civil Court.

8. This writ petition is dismissed with the aforesaid observations and directions. Consequently, connected Miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Tiruppur District,
Tiruppur.



2. The District Revenue Officer,
The District Revenue Office,
Tiruppur.

3. The Revenue Divisional Officer,
The Revenue Divisional Office,
Tiruppur.

4. The Revenue Thasildar,
Taluk Office,
Avinasi,
Tiruppur District.

+1cc to Mr.G.Pavendhan, Advocate, S.R.No.22198

+1cc to the Special Government Pleader, S.R.No.22690

W.P. No.7558 of 2022
and W.M.P.No.7559 of 2022

SKM(CO)
SB(18/04/2022)