



W.P.No.25688 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.25688 of 2016 &
W.M.P.Nos.27044, 22007, 23886 and 22008 of 2016**

1. K.Muruganandam
2. K.Raja

... Petitioners

Vs.

- 1.The Government of Tamilnadu,
represented its Commissioner,
Department of Land Administration,
Ezhilagam, Chepauk,
Chennai – 600 005
2. The District Collector,
Perambalur District
3. The District Revenue Officer,
District Collectorate,
Perambalur District
4. The Revenue Divisional Officer
District Collectorate, Perambalur,
5. The Sub-Registrar,
Veppanthattai,
Perambalur District
6. C.Meenakshi
Holding office as
District Revenue Officer,



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Perambalur District

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records of the proceedings of the 2nd respondent dated 20.06.2016 bearing Na.Ka.C1 7046/2016 and to quash the same as illegal and without jurisdiction.

For Petitioners : Mr.V.Raghavachari

For Respondents : Mr.A.Anandan
Government Advocate for R1 to R5

ORDER

The petitioner has preferred the present Writ Petition for issuance of a Writ of Certiorari to call for the records of the proceedings of the 2nd respondent dated 20.06.2016 bearing Na.Ka.C1 7046/2016 and to quash the same as illegal and without jurisdiction.

2. The case of the petitioners is that originally the property was owned by one Singaram Pandaram and the said Singaram Pandaram executed the settlement deed in favour of the petitioners on 02.11.1981, based on which, the revenue records were mutated in favour of the petitioners and subsequently, the private respondent, who claims to be the legal heir of



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Singaram Pandaram, made an application before the 3rd respondent, viz., the District Revenue Officer, Perambalur to cancel the patta in favour of the petitioners in terms of G.O.Ms.No.385 Revenue (General – 3) Dept., dated 17.08.2004, pursuant to which, the 3rd respondent, cancelled the patta and mutated the patta in favour of the private respondent, challenging the same, present Writ Petition is filed.

3. The learned counsel for the petitioners would submit that the issue involved between petitioners and the private respondent is the disputed question of fact, which cannot be decided by the Revenue officials. In the impugned order, the revenue officials decided the title and the same is contrary to the Judgment of the Division Bench of this Court reported in 2014 – 4 Law Weekly 145. Accordingly, prayed to allow the present writ petition.

4. Per contra, learned Government Advocate appearing for the respondents 1 to 5 submits that the revenue records were mutated in favour of the petitioners based on the settlement deed dated 02.11.1981, however, the Private respondent made an application before the 3rd respondent, stating that there was an error in UDR and sought to rectify the error, in



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terms of G.O.Ms.No.385 Revenue (General – 3) Dept., dated 17.08.2004.

Further, the initial settlement deed executed by the private respondent's father in favour of the petitioners on 02.11.1981 was subsequently cancelled on 18.06.1999, based on which, the revenue records were mutated in favour of the private respondent, therefore, contended to dismiss the present Writ Petition.

5. Heard the learned counsels on either side and perused the documents placed on record.

6. Admittedly, the issue involved in the present Writ petition is the disputed question of fact, which cannot be decided by this Court as well as by the revenue officials, however, the revenue officials, mutated the revenue records based on the settlement deed cancelled by the settlor as against the petitioners and the same has to be decided only by the competent civil court and not under Article 226 Constitution of India.

7. It is to be noted that the revenue records were mutated in favour of the petitioners based on the settlement deed executed by Singaram Pandaram on 02.11.1981, whereas, the private respondent claims that she



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is the sole legal heir of Singaram Pandaram and that no other legal heirs are available to Singaram Pandaram. Further, the private respondent also claims that original settlement deed executed by her father in favour of the petitioners on 02.11.1981 were subsequently cancelled by the private respondent's father on 18.06.1999. After cancellation of the settlement deed, private respondent, made an application before the 3rd respondent and in exercise of power conferred on him under G.O.Ms.No.385 Revenue (General – 3) Dept., dated 17.08.2004, the 3rd respondent, mutated the revenue records in favour of the private respondent, however, rendering any opinion on the merits of the case would adversely affect the interest of the petitioners as well as the private respondent, this Court defers to render any opinion on the merits of the case and this Court is of the view that the issue involved in this Writ petition can only be decided by the competent civil court.

8. In view of the above, the prayer sought for in the Writ Petition cannot be granted and without interfering with the impugned order, this Court grants liberty to the petitioners to approach the competent civil court for appropriate remedy and if the petitioners succeed in the civil court, liberty is hereby granted to the petitioners to file a fresh application before the Revenue officials for mutation of revenue records. Furthermore, the



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period during which the Writ Petition was presented before this Court ie., on 11.07.2016, till the date of receipt of certified copy of the order should be excluded while computing limitation. In the event of filing of the petition by the petitioners, the civil court shall decide the issue between the petitioners and the private respondent by passing appropriate orders without being influenced by any of the observations made by this Court and by deciding the title independently after affording opportunity to all the parties concerned.

In view of the above, the present Writ Petition is dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

05.09.2022

Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

ssd



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WEB COPY

To

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Ezhilagam, Chepauk, Chennai – 600 005
2. The District Collector,
Perambalur District
3. The District Revenue Officer,
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M.DHANDAPANI,J.

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