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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.11795 of 2014

And

M.P.No.1 of 2014

1.E.D.Balasubramaniam

2.E.D.Gajapathy

3.E.D.Sundaramurthy

...Petitioners

Vs.

1.The District Revenue Officer - Chennai - 1,
Singaravelar Maligai,
Rajajisalai,
Chennai 600 001.

2.Shajathi Begam

...Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records pertaining to the impugned order in J3 - 24 - 760 - 2012 / dated 12.02.2014 on the file of the first respondent, the District Revenue Officer, Chennai-1 and quash the same.

For Petitioners : Mr.Y.Arul Manickam

For Respondents : Mr.V.Veluchamy for R1
Additional Government Pleader
M/s.R.Uma for R2

O R D E R

The petitioners have filed this writ petition seeking issuance of Writ of Certiorari calling for the records pertaining to the impugned order in J3 - 24 - 760 - 2012 / dated 12.02.2014 on the file of the first respondent, the District Revenue Officer, Chennai and to quash the same.

2.The case of the petitioners is that the petitioners are the owners of the disputed property and the same was purchased



by their maternal grandfather vide registered sale deed dated 19.06.1919 and they are in possession of the property and they also obtained patta in their favour. Whiles, the second respondent sought for cancellation of patta issued in favour of the petitioners on the ground that the petitioners property in T.S.111 of Block No.44 is bounding her property in Block 44 T.S.No.113/5, for which, the first respondent passed the impugned order. Hence, this writ petition.

3.The learned counsel appearing for the petitioners submitted that during the pendency of this writ petition, petitioners 1 and 2 passed away. He further submitted that the petitioner's maternal grandfather purchased the disputed property and executed a Will and the said Will was duly probated. By the said Will, the petitioners grandfather distributed his properties in favour of his daughters including the petitioners mother and after the death of the petitioners mother, her share was divided among her legal heirs including the petitioners. When such being the position, the second respondent made claim before the respondents for cancellation of patta and the first respondent issued the impugned order, which is un-sustainable one.

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

5.Admittedly, patta is not title and it is only possessory right. Petitioners claim that they are the owners of the property. To establish their claim, they have to establish their title. They can establish title only before the competent Civil Court and title cannot be decided by the Revenue Officials. Hence, this Court is not inclined to interfere with the impugned order, however, is inclined to permit the petitioners to file suit before the competent Civil Court.

6.It is represented by the learned counsel appearing for the petitioners that during the pendency of this writ petition, petitioners 1 and 2 passed away and third petitioner is contesting the case.

7.In view of the above, this Court permits the third petitioner and legal heirs of deceased petitioners to file appropriate suit before the competent Civil Court and if the third petitioner succeeds in the suit, he is at liberty to make fresh claim before the Revenue Officials for issuance of patta. If any such suit is filed by the third petitioner, the concerned Civil Court shall decide the same independently without being influenced by any of the observations made by the Revenue Officials in the order impugned in this writ petition.



8. The writ petition is dismissed as abated in respect of petitioners 1 and 2. The writ petition stands disposed of on the above terms as against the third petitioner. No costs. Consequently, the connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

The District Revenue Officer - Chennai - 1,
Singaravelar Maligai,
Rajajisalai, Chennai 600 001.

+2ccs to Mr.Y.Arul Manickam, Advocate SR. No.20253

+1cc to Government Pleader SR. No.20394

W.P.No.11795 of 2014

And

M.P.No.1 of 2014

PMK (CO)

PR (13/04/2022)