



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. NO.14899 OF 2014

AND

M.P.NOS.1&2 OF 2014

Susairaj (Sole petitioner died)

- 1.Susairaj (died)
- 2.N.R.Sunithamari
- 3.S.Rajesh
- 4.S.Sunil
- 5.S.Sandyamari

...Petitioners

(Petitioners 2 to 5 are impleaded as legal heirs of the deceased/1st petitioner vide order dated 22.03.2022 made in W.M.P.No.35471 of 2016 in W.P.No. 14899 of 2014)

Vs.

1. The District Revenue Officer,
Krishnagiri,
Krishnagiri District.
2. The Revenue Divisional Officer,
Krishnagiri,
Krishnagiri District.
3. The Tahsildar,
Hosur Taluk,
Hosur
Krishnagiri District
4. Ravikumar

...Respondents

(R4 impleaded as per order dated 19.06.2014 by BRJ in MP3/14 in W.P.No.14899 of 2014)



Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to

(i) issue a Writ of Certiorarified Mandamus, to call for the records passed by the 1st respondent in his office Rdf:Na.ka.3248/2008/A2, dated 12.03.2008 and Pa.Mu.No.37276/2011/A2, dated 20.01.2014, quash the same and direct the 1st respondent to restore the original patta entries in the revenue records in the name of the petitioner with respect to 1.88 acres in S.No.210/2, Thorapalli Agraharam, Hosur Taluk, Krishnagiri District, within the time fixed by this Court.

For Petitioner : Mr.P.Mani
For R1 to R3 : Mr.Yogesh Kannadasan
Special Govt. Pleader
For R4 : Mr.G.M.Ananthakumar

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records passed by the 1st respondent in his office Rdf:Na.ka.3248/2008/A2, dated 12.03.2008 and Pa.Mu.No.37276/2011/A2, dated 20.01.2014, quash the same and direct the 1st respondent to restore the original patta entries in the revenue records in the name of the petitioner with respect to 1.88 acres in S.No.210/2, Thorapalli Agraharam, Hosur Taluk, Krishnagiri District, within the time fixed by this Court.

2.The case of the petitioner is that the petitioner had purchased the property in Survey No.210/2 to an extent of 3.88 acres from Madhanagiriayappa vide registered document No.3966 of 1967 dated 16.07.1967 and thereafter, the petitioner had settled the property in favour of his wife vide document No.3227/3012 on 03.05.2012. Thereafter, the settlement deed was cancelled vide document No.7616 of 2013 and the petitioner and his wife Sunitha Mary registered a sale deed in favour of Mavelraj and Kuberan @ Sankar vide Sale deed No.7621/2013 in respect of the said 2 acres in Survey No.210/2 of Thorapally Agraharam village, Hosur Taluk, Krishnagiri District. Subsequently, the 4th respondent claims that he purchased an extent of 1.88 acres from the legal heir of Madhanagiriappa vide sale deed dated 04.01.2006 and thereafter, he mutated the revenue records in his favour. Objecting to the cancellation of the said patta in favour of the 4th respondent, the petitioner made application on 15.12.2011. After adjudication the first



respondent passed the impugned order on 20.01.2014. Challenging the impugned order dated 20.01.2014, the present writ petition is filed.

3.The learned counsel for the petitioner has submitted that admittedly, the petitioner purchased the property to an extent of two acres. However, as per the boundaries the petitioner purchased 3.88 acres and in order to clarify the extent purchased by the petitioner, already suit in O.S.No.417/ 1989 has been filed by impleading the legal heirs of Madhanagiriappa the said suit was decreed on 10.04.1991. However, no steps were taken to set aside the order or prefer an appeal as against the decree passed by the trial Court. However, without considering the decree, order of rejection was passed by the first respondent which is not sustainable. Hence, this Court may direct the second respondent to issue a patta in terms of decree in O.S.No.417 of 1989.

4.The learned counsel appearing for the fourth respondent has submitted that admittedly the petitioner purchased a property to an extent of 2 acres from Madhanagiriayappa. The said Madhanagiriayappa owned 3.88 acres and out of which 4th respondent purchased 1.88 acres in the year 2006 and revenue records were also mutated in favour of him. In the light of the above the said ex-parte decree obtained by the petitioner is not in accordance with law and further the said ex-parte decree was passed in the year 1989. However, till date the petitioner had not taken any steps to implement the decree in the manner known to law.

5.The learned Special Government Pleader appearing for the respondents 1 to 3 would submit that admittedly, after the sale deed the petitioner purchased an extent of only two acres. However, the petitioner claims, as per the boundaries he is entitled for 3.88 acres even assuming there is an error in the boundary. Admittedly, the purchaser is entitled to claim patta only for the extent of land mentioned in the document and beyond that the petitioner is not entitled to claim patta.

6.Heard Mr. P.Mani, learned counsel appearing for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents 1 to 3 and Mr.G.M.Ananthakumar appearing for the 4th respondent.

7.The facts of the present case, is that, the petitioner had purchased property from one Madhanagiriappa to an extent of 2



acres vide sale deed No.3976 of 1967 dated 10.11.1967. However, as per the boundaries mentioned in the document, he claims that he is entitled to 3.88 acres for which he had already filed a suit against the legal heirs of one Madhanagiriayappa and obtained ex-parte decree on 10.04.1991 in which the 4th respondent is not party. Subsequently, the 4th respondent acquired the property to an extent of 1.88 acres from the legal heirs of one Madhanagiriappa and the revenue records were also mutated in favour of him. However, the petitioner made an objection on 15.12.2011, after five years of purchase by the 4th respondent, to cancel the patta, before the first respondent.

8.The issue that has been canvassed before this court between the petitioner and the 4th respondent, pertains to disputed questions of fact, with regard to the purchase made by the respective parties, which cannot be decided by the Revenue Authorities or by this court under Article 226 of the constitution and the competent forum to decide the issue is only the jurisdictional civil court, which has been held in a catena of decisions on which this court need not dwell upon.

9. In such view of the matter, this court does not find any reason to interfere with the order passed by the 1st respondent and, accordingly, this writ petition stands dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs. However, this order will not stand in the way of the petitioner and the 4th respondent to work out their remedies in the manner known to law.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vsn

To

1. The District Revenue Officer,
Krishnagiri,
Krishnagiri District.



2. The Revenue Divisional Officer,
Krishnagiri,
Krishnagiri District.

3. The Tahsildar,
Hosur Taluk,
Hosur
Krishnagiri District.

+lcc to the Government Pleader, S.R.No.19908

W.P. No.14899 of 2014
and M.P.Nos.1 & 2 of 2014

MG (CO)
PM/25/05/2022