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W.P.No.21156 of 20__

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.11.2022

Coram

The Honourable Mr.Justice M.DHANDAPANI

**W.P.No.21156 of 2021
and W.M.P.Nos.22448 & 22452 of 2021**

Prabakaran

...Petitioner

Versus

- 1.The District Collector,
Ranipet District,
Ranipet.
- 2.The District Registrar,
Arakkonam,
Ranipet District.
- 3.The Assistant Commissioner/Executive Officer,
Arulmighu Lakshmi Narasimha Swamy Thirukoil,
Sholinghur.
- 4.The Tahsildar,
Sholinghur,
Ranipet District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the impugned order of the first respondent made in Moo.Mo.D2/3338/2019 dated 02.09.2021 and quash the same.



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For Petitioner : Mr.G.Jeremiah
For Respondents – 1, 2 & 4 : Mr.J.Ravindran,
Additional Advocate General
Assisted by
Mr.U.Bharanidharan,
Additional Government Pleader
For Respondent – 3 : Mr.A.K.Sriram
for M/s.A.S.Kailasam & Associates

ORDER

The relief sought in this writ petition is to call for the records pertaining to the order dated 02.09.2021 passed by the first respondent in Moo.Mo.D2/3338/2019 and quash the same.

2. The case of the petitioner is that he is the registered owner of the property comprised in Old S.No.214/2A1B New S.No.214A/2A1B measuring to an extent of 20 cents situated at Kondapalayam Village, Sholinghur Taluk. Originally, the said property was held and possessed by one Mr.Kesavan who inherited the said property from his father viz., Krishtappa Reddy. The Patta of the said property stood in the name of said Krishtappa Reddy. While so, the first respondent vide order in Moo.Mo.D2/3338/2019 dated 02.09.2021 held that during the UDR



Scheme, Patta was wrongly issued in the name of said Krishtappa Reddy under Patta No.370 in respect of property in S.No.214A/1A1B having an extent of 0.40.5 Hectares and therefore, the same is cancelled. Without issuing any prior notice to the petitioner, the first respondent has passed the impugned order. Aggrieved over the order of the first respondent, the petitioner has filed the present writ petition before this Court.

3. The learned counsel for the petitioner submitted that the petitioner purchased the aforesaid property from predecessor in title. Patta of the said property was issued in the name of petitioner's predecessor and the Revenue Records were also mutated in favour of petitioner's predecessor, even prior to the implementation of UDR Scheme.

3.1. After a lapse of four decades, the respondents have initiated proceedings at the instance of third respondent temple under the guise of rectifying the error committed under UDR Scheme. It is to be noted that after the year 2015, the property in S.No.214/A/2A1A1 was subdivided. He further submitted that without even providing sufficient opportunity to the petitioner, the first respondent has mechanically passed the impugned order



on the ground that in the year 1916, the entire extent of 497.17 Acres comprised in S.No.214A/2 belonged to third respondent temple.

3.2. The learned counsel also submitted that after a lapse of four decades, the Patta granted in favour of the petitioner's predecessor cannot be cancelled. Though the first respondent has power to decide the mutation of Revenue Records, he cancelled the sale deed executed by the petitioner's predecessor in favour petitioner which is unsustainable. The cancellation of sale deeds by the first respondent is beyond jurisdiction. Therefore, the learned counsel prayed that this writ petition may be allowed and the impugned order passed by the first respondent may be quashed.

4. The learned Additional Government Pleader appearing for the respondents 1, 2 & 4 submitted that originally, the subject property belongs to third respondent temple and only on the basis of subdivisions in the subject property, patta was wrongly issued in favour of petitioner's predecessor. As per G.O.Ms.No.385 dated 14.08.2004, the first respondent has the power to rectify the error committed under UDR Scheme and in exercise of such power, he passed the impugned order. He also submitted



that the dispute between the petitioner and the third respondent temple is purely a civil dispute and therefore, the same has to be decided by the competent Civil Court.

5. Heard the learned counsel on either side and perused the materials placed before this Court.

6. From a careful perusal of the records, it is seen that the first respondent vide impugned order dated 02.09.2021 has cancelled the ryotwari pattas issued by the Special Staff under UDR Scheme and subsequent document registrations and Patta transfers carried out in respect of four sub divisions viz., (i) S.No.214A/2A3 (ii) 214A/2A1B (iii) 214A/2B1 & (iv) 214A/2C situated at Kondapalaym Village, Sholinghur Block. Challenging the same, the petitioner is before this Court.

7. The issue involved in the present case is that there is a civil dispute between the petitioner and the third respondent regarding the title over the subject property. Such civil dispute has to be decided by the competent Civil Court.



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8. In the aforesaid circumstances, rendering any opinion on the merits of the case will adversely affect the interest of petitioner as well as third respondent. Hence, this Court directs the petitioner to file a suit before the competent Civil Court, for establishment of his title over the subject property. On such suit being filed, the competent Civil Court shall decide the suit, without being influenced by any of the order passed by the respondents herein, as expeditiously as possible.

9. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

23.11.2022

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Index : Yes/No

Speaking Order (or) Non-Speaking Order



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M.DHANDAPANI, J.

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