



WEB COPY



W.P.No.23599 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 02.09.2022**

CORAM :

**THE HONOURABLE MR. JUSTICE M. DHANDAPANI**

**W.P. No.23599 of 2022**

1. Rajan
2. Vijayalakshmi
3. Murali Babu
4. Sridhar
5. Chandrammal
6. Krishnaveni
7. Purushothaman
8. Raghu Prasad
9. Gunasekaran
10. Harikrishnan
11. Padmavathi @ Padhmasini

... Petitioners

Vs.

1. The Collector,  
Dharmapuri District.
2. The District Revenue Officer,  
Dharmapuri District.
3. The Revenue Divisional Officer,  
Dharmapuri District.
4. The Tahsildar,  
Pennagaram Taluk,  
Dharmapuri District.
5. The Assistant Commissioner,  
HR & CE Department,  
Dharmapuri District.

... Respondents



W.P.No.23599 of 2022

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the fourth respondent to enter the name of the petitioners in Survey Nos.294, Kookudamarudhahalli Village, Pennagaram Taluk, Dharmapuri District by considering the representation of the petitioners dated 25.06.2022 and pass the order within a stipulated period in accordance with law.

|                 |                                                            |
|-----------------|------------------------------------------------------------|
| For Petitioners | : Mr.C.Umashankar                                          |
| For R1 to R4    | : Mr.P.Sathish<br>Additional Government Pleader            |
| For R5          | : Mrs. Geetha Thamaraiselvan<br>Special Government Pleader |

### **ORDER**

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the fourth respondent to enter the name of the petitioners in Survey No.294, Kookudamarudhahalli Village, Pennagaram Taluk, Dharmapuri District, by considering the representation of the petitioners dated 25.06.2022.

2. The case of the petitioners is that the aforesaid property is an petitioners' ancestral property and the same was inherited by petitioners' father, namely Mr.Srinivasa Iyer, through a registered partition deed, dated 17.07.1939, vide Doc.No.930 of 1939 on the file of Sub Registrar Office,



W.P.No.23599 of 2022

Pennagaram. Subsequent to the execution of the said deed, the petitioners' father's name was mutated in the Revenue Records and the Encumbrance Certificate. When the petitioners intended to make a family arrangement among themselves, they have verified the Revenue Records before the office of the fourth respondent. The petitioners came to know that the entire property in aforesaid survey number stands in the name of Rajavur Senraya Perumal Koil, Pennagaram Taluk, Dharmapuri District, which is under the control of the fourth respondent herein. The grievance of the petitioners is that without verification, the respondents have entered wrong name in the Revenue Records. Therefore, the petitioner made a representation dated 25.06.2022 before the respondents, seeking to transfer the Patta in the name of the petitioners' father. Since the said representation was not considered by the respondents, the petitioners have filed the present Writ Petition.

3. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioners submitted that, it would suffice, if this Court issues a direction to the fourth respondent to consider the petitioners' representation dated 25.06.2022 and pass orders on the same within a particular time frame to be fixed by this Court.



W.P.No.23599 of 2022

4. The learned Additional Government Pleader appearing for the respondents 1 to 4 and the learned Special Government Pleader appearing for the respondent 5 submitted that the property in aforesaid survey number is belonging to "Rajavur Senraya Perumal Koil" and the same is maintained by the fifth respondent. However, the disputed question of facts, which can be decided only by the Competent Civil Court and not by this Court while exercising jurisdiction under Article 226 of the Constitution of India. Accordingly, they prayed for dismissal of the Writ Petition.

5. The facts in the present case are not in dispute. Admittedly, the petitioners claim that the aforesaid property is belonging to them. On perusal of the records, it is evident that the Revenue Records are standing in the name of "Rajavur Senraya Perumal Koil", and the present issue is a title dispute, which can be ventilated only before the Competent Civil Court, not by the Revenue Officials for mutation of Revenue Records. Further, the learned Additional Government Pleader would submit that Patta does not confer a title over the property, which was issued only based on the possession of the property. Admittedly, the land is in possession of the fifth respondent, though the petitioners claim the title over the property.



W.P.No.23599 of 2022

6. Considering the facts and circumstances of the case, this Court permits the petitioners to establish their title before the Competent Civil Court. If the petitioners succeeds in the Suit with respect to the title over the property, the petitioners are at liberty to file a fresh application before the appropriate authority for mutation of Revenue Records in respect of the aforesaid property. Thus, the prayer sought for in this Writ Petition cannot be granted and it is liable to be dismissed.

7. Accordingly, this Writ Petition is dismissed. No costs.

**02.09.2022**

Index : Yes / No  
Speaking order: Yes/ No  
jd

To

1. The Collector,  
Dharmapuri District.
2. The District Revenue Officer,  
Dharmapuri District.
3. The Revenue Divisional Officer,  
Dharmapuri District.
4. The Tahsildar,  
Pennagaram Taluk,  
Dharmapuri District.
5. The Assistant Commissioner,  
HR & CE Department,  
Dharmapuri District.



WEB COPY



W.P.No.23599 of 2022

**M.DHANDAPANI, J.**

jd

**W.P. No.23599 of 2022**

**02.09.2022**