



WEB COPY



W.P.No.23183 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2022

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.23183 of 2017

and

W.M.P.No.24286 of 2017

1. E.K.Saravanan
2. E.K.Ramesh
3. Vijaya

. . Petitioners

Vs.

1. The District Revenue Officer,
Krishnagiri District,
Krishnagiri-635 001.
2. The Revenue Divisional Officer,
Krishnagiri-635 001.
3. The Tahsildar,
Bargur Taluk,
Bargur, Krishnagiri District.
4. The Commissioner,
HR & CE, Chennai 600 005.
5. The Joint Commissioner (Land, Administration)
Chennai.
6. Arul Migu Perumal Sami Temple,
Salinayanapalli Village,
Bargur Taluk, Krishnagiri District.

. . . Respondents



W.P.No.23183 of 2017

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus calling for the records relating to the order of the first respondent namely the District Revenue Officer, Krishnagiri in Na.Kae.2476/2016/L.R.2 dated 03.03.2017 and quash the said orders and consequently direct the respondents 1 to 3 to restore the Patta in favour of the petitioners in respect of the land an extent of 0.43.5 acres in Survey Number.256/3A, Salinayanapalli Village, Krishnagiri Taluk (Now Bargur Taluk) Krishnagiri District within a time to be stipulated by this this Court.

For Petitioner : M/s. V.Nicholas

For Respondents : Mr.G.Krishna Raja,

Additional Government Pleader for R1 to R3 & R5

: Mr. K.Karthikeyan,

Government Advocate for R4 & R6.

ORDER

The present petition has been filed seeking to quash the impugned order dated 03.03.2017 passed by the 1st Respondent and direct the respondents 1 to 3 to restore the Patta in favour of the petitioner with respect to the land in Survey Number.256/3A to an extent of 0.43.5 acres Salinayanapalli Village, Krishnagiri Taluk (Now Bargur Taluk) Krishnagiri District within a time to be stipulated by this this Court.



W.P.No.23183 of 2017

2. It is the case of the petitioners that the 1st petitioner had purchased the property in Survey No.256/3A to an extent of about 1.08 acres, Saliyanapalli Village, Krishnagiri Taluk, Krishnagiri District under a registered sale deed dated 06.09.2007 from his Vendor namely Chennappa Naidu and he was in absolute possession and enjoyment of the above said Property. Subsequently, the 1st petitioner had executed a settlement deed in favour of his brother/2nd Petitioner and sister/3rd Petitioner and thereafter, Patta was jointly in favour of the petitioners. While being so, having called upon the petitioners to attend the enquiry, the District Revenue Officer had cancelled the patta which was granted with respect to the above said property in their favour and entered the name of Perumalsami Koil/6th Respondent. Aggrieved by the same, the petitioner has come up with the present petition.

3. On the above contentions, this Court, heard the learned counsel on the either side and perused the materials available on record.



W.P.No.23183 of 2017

WEB COPY

4. Though very many grounds have been raised by the learned counsel on either side at the time of arguments, however, when this Court expressed its opinion that the issue involved in the present case being civil in nature, which cannot be adjudicated under Article 226 of the Indian Constitution as the same can be decided only by the Competent Civil Court, learned Counsel for the petitioners restricted the prayer and sought permission of this Court to file appropriate suit before the competent Civil Court in order to establish their title to the disputed property.

5. In view of the limited relief sought for by the learned counsel for the petitioners, this Court without interfering with the order impugned in this Writ Petition, permits the petitioners to file appropriate suit before the competent Civil Court to establish their title with respect to the property in dispute. Further, liberty is granted to the succeeding party to work out their remedy in the manner known to law.



W.P.No.23183 of 2017

WEB COPY 6. Accordingly, this Writ Petition is disposed of with the aforesaid liberty. No costs. Consequently, the connected Miscellaneous Petition is closed.

01.09.2022

NHS

Index : Yes / No

Internet : Yes / No



WEB COPY



W.P.No.23183 of 2017

M.DHANDAPANI, J

NHS

To

1. The District Revenue Officer,
Krishnagiri District,
Krishnagiri-635 001.
2. The Revenue Divisional Officer,
Krishnagiri-635 001.
3. The Tahsildar,
Bargur Taluk,
Bargur, Krishnagiri District.
4. The Joint Commissioner (Land, Administration)
Chennai.

W.P.No.23183 of 2017

01.09.2022



WEB COPY



W.P.No.23183 of 2017