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W.P. No.26594 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No. 26594 of 2017

A.AAnaikutty

... Petitioner

Vs.

1. The District Revenue Officer,
Namakkal, Namakkal District.

2. The Revenue Divisional Officer,
Namakkal Division, Namakkal Taluk & District.

3. The Tahsildhar,
Sendamangalam Taluk, Namakkal District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records relating to the impugned order of the first respondent in Na.Ka.No.16390-2016-01 dated 12.01.2017 and quash the same and direct the respondents to issue patta in favour of the petitioner in respect of the lands of extent 0.40.5 Hectares comprised in Survey No.434/3 of Pattirettipatty Village, Sendamangalam Taluk, Namakkal District.

For Petitioner : Mr.J.Lakshmi Narayanan

For Respondents : Mr.U.Bharanidharan, AGP

ORDER

The writ petition has been filed to quash the impugned order of the first respondent in Na.Ka.No.16390-2016-01 dated 12.01.2017 and direct the



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respondents to issue patta in favour of the petitioner in respect of the lands of extent 0.40.5 Hectares comprised in Survey No.434/3 of Pattirettipatty Village, Sendamangalam Taluk, Namakkal District.

2. It is the case of the petitioner that the above said subject property is the ancestrol property. The petitioner and his family members are in possession and enjoyment of the property. During the year 2004, when the petitioner tiled to get loan from the bank, he came to know that the respondents have wrongly converted his patta land as Grama Natham in the revenue records. Therefore, he made a representation to change the revenue records in respect of the subject land and the same was not considered. The petitioner has filed a writ petition before this Court in W.P.no.35555 of 2015. This Court, vide its order dated 04.11.2015, disposed of the case with certain directions to the respondents. Pursuant to which, the second respondent has passed the impugned order rejecting the petitioner's representation. Challenging the said order dated 12.01.2017, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that this Court may grant liberty to the petitioner to file an appropriate suit before the competent



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Civil Court.

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4. Heard the learned counsel on either side and perused the materials available on record.

5. On perusal of the affidavit as well as the impugned order, it is made clear that the claim made by the petitioner is disputed question of facts, which cannot be decided by this Court as well as the revenue officials and the same has to be decided only by the competent civil forum. When the matter is taken up for hearing, the learned counsel has also seeks liberty to approach the competent civil Court in respect of the subject property.

6. Considering the facts and circumstances of the case and the limited relief sought for by the petitioners, this Court, without rendering any opinion on the merits of the case, permits them to file a suit before the competent Civil Court for getting appropriate remedy within a period of four weeks from the date of receipt of a copy of this order.

7. With the aforesaid direction, this Writ Petition stands disposed of.



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No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Speaking order : Yes / No

To

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M.DHANDAPANI, J.
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