



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.06.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P. (MD).No.12514 of 2011

and

M.P. (MD).No.1 of 2011

D.Subbiah kumar

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Periyakulam,
Theni District.

2. The Tahsildar,
Andipatti,
Theni District.

3. D.A.Thangavel

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the proceedings bearing Na.Ka.No.5937/2011/A-1, dated 17.09.2011 issued by the first respondent and quash the same.

For Petitioner : Mr.Sureshkumarissaacpaul.S

For R-1 & R-2 : Mr.S.Shanmugavel

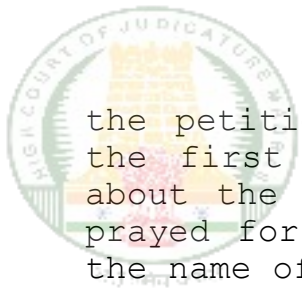
Additional Government Pleader

For R-3 : Mr.T.Lajapathi Roy

ORDER

The Writ Petition has been filed challenging an order passed by the first respondent on 17.09.2011, under which the Sub-divisions made in Sr.No.2429/4 were cancelled and consequently patta in favour of the writ petitioner was also cancelled. The first respondent has directed the second respondent to restore the patta in favour of the third respondent. This order is under challenge in the present writ petition.

2. According to the learned counsel of the present writ petitioner, the first respondent has recorded a finding in the impugned order that the third respondent is the owner of the disputed property and pursuant to the said finding, the sub-divisions have been cancelled and the patta standing in the name of



the petitioner has also been cancelled. Hence, he contended that the first respondent has no jurisdiction what so ever to decide about the title or confer title on the third respondent. Hence he prayed for allowing the writ petition and to restore the patta in the name of the writ petitioner.

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3. Per contra, the learned counsel for the third respondent had contended that based upon the two sale deeds produced by the third respondent, the first respondent has proceeded to cancel the subdivisions effected and to grant patta in favour of the third respondent.

4. A perusal of the pleadings and the impugned order reveals the writ petitioner as well as the third respondent are making rival claims to disputed property based upon two sale deeds. The validity of these sale deeds presented by both the parties have to be adjudicated upon only by the Civil Court and the same can neither be adjudicated by Revenue authorities nor by this Court under article 226 of the Constitution of India.

5. In view of the above said findings, the writ petition is dismissed with the observation that the finding with regard to the title or possession rendered by the Revenue Divisional Officer in the impugned order shall not influence the Civil Court, in case if any suit is filed by either one of the parties.

6. With the above said observations, the Writ Petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

jbr

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.



To

1. The Revenue Divisional Officer,
Periyakulam,
Theni District.

2. The Tahsildar,
Andipatti,
Theni District.

+1 CC to M/s.S.SURESH KUMAR - ISAACPAUL, Advocate (SR-24652[F]
dated 08/06/2022)

+1 CC to M/s.SPL.GP (SR-24845[F] dated 09/06/2022)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-25050[F] dated
10/06/2022)

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NSN(CO)
KB(16.06.2022) 3P 6C