



W.P.(MD).No.1039 of 2012

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.1039 of 2012

and

M.P.(MD)No.1 of 2012

AL.AR.SM.Narayana Chettiyar

... Petitioner

Vs.

1. The District Revenue Officer,
Thanjavur,
Thanjavur District.
2. The Revenue Divisional Officer,
Thanjavur,
Thanjavur District.
3. The Tahsildar,
Thanjavur Taluk,
Thanjavur.
4. Tmt.Jayalakshmi
5. AL.AR.V.Kalairaja
6. AL.Veerappan
7. S.Ramakrishnan
8. S.Narayanan
9. S.Arunachalam
10. S.Chitharanjan

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11. S.Somasundaram
12. C.Ramaiah
13. C.Narayanan
14. C.Arunachalam
15. V.R.Soundram

... Respondents

*(R5 to R15 are impleaded, vide Court order,
dated 04/02/2019 in M.P.(MD)No.1 of 2013)*

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent in Tha.Pa.No.2/2011/Vu.2, dated 06.06.2011 confirming the orders passed by the second respondent in Na.Ka.No.4122/2010/Aa5, dated 09.12.2010 and to quash the same and consequently to direct the respondents No.1 to 3 to transfer the patta in respect of the land in Survey No.198/2B, Melavelly Vattam, Thanjavur Taluk to an extent to 6 acres in favour of the petitioner forthwith.

For Petitioner	: Mr.F.Deepak
For R1 to R3	: Mr.N.Muthuvijayan Special Government Pleader
For R4	: No appearance
For R5 to R15	: Mr.T.Selvan



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ORDER

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The present writ petition has been filed challenging an order passed by the first respondent herein under which he has confirmed the order passed by the second respondent. The third respondent herein has granted patta in favour of the writ petitioner. The said order was challenged by the fourth respondent herein before the second respondent. Before the second respondent, the writ petitioner has produced three documents. The fourth respondent has produced around 13 documents out of which four of them are registered documents like release deed, partition deed, family arrangement and sale deed. The second respondent after going through all the documents has arrived at a finding that the fourth respondent is entitled to patta. The said order was challenged by the writ petitioner before the first respondent. The first respondent after going through the documents and the submissions made on either side has confirmed the order passed by the second respondent herein.

2. The learned Counsel for the petitioner submits that the sale



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deed in favour of the fourth respondent relates to Survey No.198/2C alone, but the fourth respondent is making a claim for a different Survey No.Viz.S.No.198/2B. A perusal of the order passed by the second respondent herein on 09.12.2010 refers to an order of sub division dated 19.07.1978 in which the sub division has been made in survey No. 198/2B and a patta has been granted in favour of the fourth respondent for an extent of six acres. However, the said fact is strongly disputed by the learned Counsel appearing for the writ petitioner.

3. A perusal of the orders passed by the respondents 1 and 2 will clearly disclose that there is a serious title dispute between the petitioner and the fourth respondent herein. Both of them are relying upon various documents in their favour to make a claim over Survey No. 198/2B. There is also a dispute whether Survey No.198/2C was carved out of Survey No.198/2B or not. In such circumstances, the order passed by the revenue authorities conferring patta in favour of the fourth respondent cannot be interfered with by this Court. In view of the above said title dispute, the learned Counsel for the petitioner had also claimed



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his title through various proceedings that have taken place in the year 1925 including the final decree that has been passed in O.S.No.3 of 1919 on the file of District Judge, West Thanjavur, dated 16.09.1925.

4. In view of the above said facts, I am of the view that since there is a serious title dispute and the writ petitioner and the fourth respondent are making rival claim to the disputed property, the same cannot be adjudicated in the present writ petition. Hence, the present writ petition stands dismissed. However, the petitioner is always at liberty to approach the competent Civil Court to vindicate his grievances. In such case, a Civil Court shall adjudicate upon the title of the writ petitioner without being influenced by the orders passed by the revenue authority as well as by this Court in the present writ petition.

5. With the above observations, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Internet : Yes / No
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R.VIJAYAKUMAR ,J.

jbr

Order made in
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