



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2022

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P. (MD) .No.7496 of 2011

- 1.Nagendran
- 2.Manoharan
- 3.Megarajan
- 4.Deivendran
- 5.Ravindran
- 6.Rajendran
- 7.Mahendran
- 8.Gururajan

... Petitioners

Vs.

- 1.The District Revenue Officer
Ramanathapuram District,
Ramanathapuram.

- 2.The Revenue Divisional Officer,
Paramakudi, Ramanathapuram District.

- 3.The Zonal Deputy Tahsildhar,
Kamuthi Taluk,
Ramanathapuram District.

- 4.Thirumal

... Respondents

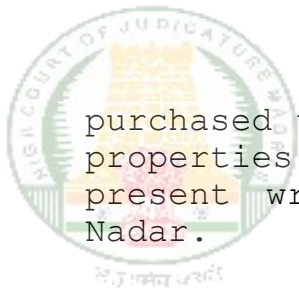
PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records from the 1st and 2nd respondents in their proceedings in C.R.No. 279/09 (B5), dated 28.03.2011 and Na.Ka.B1/4184/2006, dated 05.10.2007 respectively and to quash the same.

For Petitioners : M/s.V.Janakiramalu
For R1 to R3 : Mr.P.Thambidurai
Government Advocate
For R4 : Mr.T.Veerakumar

O R D E R

The present Writ Petition is filed challenging the order passed by the first respondent herein under which a direction was issued to transfer the patta in the name of the fourth respondent.

2.The learned Counsel appearing for the petitioner submits that the originally the property belonged to one Muniyandi Asari, who had



purchased the same in 1931. The said Muniyandi Asari, has sold the properties in favour of one Seeni Nadar on 22.10.1945 and the present writ petitioners are the descendents of the said Seeni Nadar.

3.However, it is the case of the fourth respondent that they have purchased the property from one Shanmugam Pillai on 07.04.2005.

4.The contention of both the parties reveal that there is a title dispute. The said issue can be decided only by a competent Civil Court and any DRO or any other Revenue authority's order will not be binding on the Court.

5.The reading of the impugned order indicates that the first respondent has analyzed in detail the title of both the parties and the boundary recitals in all the documents and thereafter, ultimately has arrived at the conclusion that one Poongothai is having title and it is clearly outside the jurisdiction of the Revenue authority. Hence, the order is set aside.

6.In view of the above said discussion, the following order is passed.

i.The impugned order herein is set aside.

ii.Either the writ petitioner or the fourth respondent is at liberty to approach the Civil Court for declaration of their title and for confirmation for their alleged possession over their disputed property.

7.With the above direction, the Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(Cs-III)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

Tmg

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 District Revenue Officer
Ramanathapuram District,
Ramanathapuram.

2.The Revenue Divisional Officer,
Paramakudi, Ramanathapuram District.

3.The Zonal Deputy Tahsildhar,
Kamuthi Taluk,
Ramanathapuram District.

+1 CC to M/s.SPL.GP (SR-26105[F] dated 16/06/2022)

+1 CC to M/s.T. VEERAKUMAR, Advocate (SR-26208[F] dated
16/06/2022)

+1 CC to M/s.V. JANAKIRAMULU, Advocate (SR-26244[F] dated
16/06/2022)

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KG (CO)
KB (27.06.2022) 3P 7C