



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2022

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P (MD) No.20372 of 2021

J.Vanitha

... Petitioner

Vs.

- 1.The District Collector,
Office of District Collector,
Thanjavur District,
Thanjavur.
- 2.The Tahsildar,
Kumbakonam Taluka,
Kumbakonam,
Thanjavur.
- 3.The Special Tahsildar,
Adi Dravidar Welfare Department,
Kumbakonam Taluk,
Thanjavur.
- 4.The Revenue Inspector,
Cholzhan Maligai Village,
Kumbakonam Taluka,
Thanjavur.
- 5.The Village Administrative Officer,
Thiruvalanchuzhi Village,
Kumbakonam Taluka,
Thanjavur.
- 6.Jothi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing first respondent to direct the second respondent to record the petitioner's property an extent of 0.00.50 Hectares in Survey No.101/1A4, Bharathiyar Nagar, Sundara Perumal Kovil Post and Panchayat, Thiruvalanchuzhi Village, Kumbakonam Taluk, Thanjavur District in Village Accounts and Revenue Records based on the Assignment Patta given to the petitioner in Na.Ka.39/2018/Aa3 dated 23.05.2018, Survey Sketch, Natham Landtax Assessment Chitta and



Adangal, by considering the petitioner's representation dated 03.08.2020, within the period as stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

For R-1 to R-5 : Mr.N.Satheesh Kumar,
Additional Government Pleader.

For R-6 : Mr.G.Gomathisankar

ORDER

This Writ Petition has been filed in the nature of Mandamus seeking a direction against primarily the second respondent to record the name of the petitioner/J.Vanitha, wife of Jegadeesan in Survey No.101/1A4, Bharathiyar Nagar, Sundara Perumal Kovil Post and Panchayat, Thiruvanchuzhi Village, Kumbakonam Taluk, Thanjavur District which measures to an extent of 0.00.50 Hectares in the Village accounts and in the revenue records based on the Assignment Patta given to the petitioner in Na.Ka.39/2018/Aa3 dated 23.05.2018. It is also stated that Survey Sketch, Natham Land tax, Assessment Chitta and Adangal are in the names of the petitioner. The petitioner had given a representation on 03.08.2020.

2. There is also a sixth respondent namely, Jothi wife of late Govindaraj. Notice has been directed. Mr.G.Gomathisankar, learned counsel for the sixth respondent appears on behalf of the sixth respondent stated that the land in Survey No.101/1 was originally in the name of late grandfather of the husband of the petitioner. After the grandfather died, it devolved on to his daughter namely, Samiammal. The said Samiammal died leaving behind as her only legal heir the husband of the sixth respondent. After the death of the husband, the sixth respondent claims she is in possession of the entire area.

3. The issue of possession can be decided by a Civil Court on the basis of evidence adduced by both the parties and the evidence should be tested during the Court of Trial. Oral and documentary evidence have to be adduced and have to be put to test during cross examination. This is the procedure known to law. On the basis of affidavits or on the basis of documents filed in the nature of typed set, a Writ Court can unfortunately never come to any conclusion regarding possession.

4. With respect to title mutation in the revenue records may only be a corroborative aspect of title but may not actually grant title.

5. Only a Civil Court can declare title. Unfortunately, the petitioner is in a wrong forum agitating the issue.



6. Mr.N.Satheesh Kumar, learned Additional Government Pleader also pointed out that there are contrary entries with respect to the revenue records and it would only be appropriate that the entire issues are resolved in manner known to law.

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7. The parties are therefore relegated to settle their issues before the Civil Court.

8. Mr.Haja Mohideen, learned counsel for the petitioner stated that the second respondent should pass necessary orders. The second respondent can pass orders only on the basis of a decree given by the Civil Court and in accordance with the decree passed by the Civil Court and cannot independently grant title to anybody. Grant of assignment is only recognition of transfer of possession and permission to stay in possession. Subsequently when there is dispute, to declare title, the parties will necessarily have to go before a Civil Court.

9. With the said observations, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Nsr

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

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+1 CC to M/s.SPL.GP (SR-605[F] dated 06/01/2022)

+1 CC to M/s.G.GOMATHI SANKAR, Advocate (SR-656[F] dated 06/01/2022)

**W.P (MD) No.20372 of 2021
05.01.2022**

RD(25.01.2022) 4P 8C