



W.P.(MD).No.746 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED ON : 25.07.2022

ORDER PRONOUNDED ON : 27 .07.2022

**CORAM:
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD).No.746 of 2014
MP(MD).Nos. 1 and 2 of 2014**

V.Marnadu

....Petitioner

Vs

1.The District Collector
Madurai
Madurai District

2.The District Revenue Officer
Madurai, Madurai District

3.R.Madasamy

....Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent in his proceedings in Na.Ka.No.G2/19715/2011 dated 20.12.2013 and quash the same and consequently direct the respondents to issue the patta in favour of the petitioner in respect of the property in S.No.13/3C to the extent of 81 ½ cents (0.33 ares) situated at Chettikulam Village, Madurai North Taluk, Madurai.

For Petitioner	: Mr.V.Kathirvelu Senior Counsel
For R1 & R2	: Mr.S.Shanmugavel Additional Government Pleader
For R3	: Mr.H.Arumugam



W.P(MD).No.746 of 2014

ORDER

WEB COPY

The writ petition has been filed challenging an order passed by the second respondent herein under which Patta was granted in favour of the third respondent.

2.The learned Senior Counsel appearing for the writ petitioner has contended that the property comprised in Survey No.13/3 at Chettikulam Village, Madurai North Taluk, measuring to an extent of 1.30 acres was purchased by his father Iyyathurai @ Vellaisamy on 12.08.1973 from one Mohammed Salika Beevi. After death of his father in the year 1990, himself and his brother are enjoying the said property in New Survey No.13/3C and hence, they are the absolute owners of the property.

3.The learned Senior Counsel had further contended that the revenue officials have divided the Survey No.13/3C into two sub-divisions. One sub-division in Survey No.13/3C with an extent of 81.5 cents and another sub-division in Survey No.13/3D1 having an extent of 38.2 cents. Due to mistake, the name of one Bulkoosbeevee was entered in the patta for Survey No.13/3C. Hence, the petitioner had approached the Village Administrative Office for correcting the said mistake for an extent of 81 ½ cents in the Patta.



W.P(MD).No.746 of 2014

4. According to the learned Senior Counsel, since the petitioner or his brother were not willing to meet out the illegal demands of the said Village Administrative Officer, they have approached the Revenue Inspector and submitted a petition in the Jamapanthi to correct the said mistake. At the instigation of V.A.O, the petitioner's request was rejected on 02.11.2009. The Revenue Inspector and the Patta Clerk have joined together and impersonated a lady in the name of Bulkoosbeevi and pasted a photo in the patta book and prepared a bogus patta in the name of Bulkoosbeevi on 05.05.2010. Based upon the forged patta, she had sold the property on 28.06.2010 in favour of the third respondent herein. Except this forged patta, no other document was annexed to the sale deed in favour of the third respondent. Thereafter, on the basis of the sale deed, the Patta was transferred in the name of the third respondent on 14.09.2010.

5. The learned Senior Counsel appearing for the petitioner had further contended that the issue was taken by the petitioner to the Deputy Tahsildar and he had cancelled the said patta in the name of the third respondent and re-transferred it in the name of the petitioner and his brother. The petitioner had given a police complaint in Crime No.1132 of 2010 and the investigation has been completed on 08.02.2011 before the Judicial Magistrate No.II, Madurai and the case has been taken on file in C.C.No.348 of 2011 as against



W.P(MD).No.746 of 2014

the Village Administrative Officer and other revenue officials for creating a forged Patta.

6.The learned Senior Counsel had further submitted that the order of the Deputy Tahsildar was challenged by the third respondent before the second respondent herein. On 05.05.2011, the second respondent had reversed the order and granted Patta in favour of the third respondent herein. Aggrieved over the same, the petitioner had filed W.P.No.8313 of 2011 and the same was allowed on 07.12.2011 by this Court on the ground of violation of principles of natural justice and the matter was remitted to the file of the second respondent for fresh consideration. Thereafter, the second respondent herein has passed the present impugned order without properly appreciating the factual details.

7.The learned Senior Counsel had further submitted that there is no such person by name Bulkoosbeevi and the patta has been granted in the name of a fake person. Despite the sale deed being produced on the side of the writ petitioner, the second respondent has not properly appreciated the said document. Hence, he prayed for allowing the writ petition who registered the patta in the name of the writ petitioner.



W.P(MD).No.746 of 2014

8.Per contra, the learned counsel appearing for the respondents had contended that the second respondent herein had passed an order on 02.11.2009 holding that there is no mistake in the UDR proceedings and rejected the request of the writ petitioner. This order has not been challenged and it has become final. However, the writ petitioner has chosen to approach the Deputy Tashildar and managed to get patta in his name. Hence, the third respondent was forced to file an appeal before the District Revenue Officer who had passed an order on 05.05.2011. The said order was set aside by this Court and remanded the matter. Thereafter, the present impugned order has been passed by the second respondent herein. He had further contended that the petitioner has no title over the said property. Two civil suits are pending namely O.S.No.320 of 2010 before the District Munsif Court, Melur and O.S.No.166 of 2012 before the Subordinate Court, Melur. According to the third respondent, the said Bulkoosbeevi has executed a sale deed in favour of the third respondent herein and hence, the third respondent is the owner of the property. Hence, the order impugned in the writ petition may not be disturbed.

9.I have considered the submissions made on either side and perused the materials available on record.



W.P(MD).No.746 of 2014

10.The writ petitioner had claimed that his father has purchased the disputed property in the year 1973 and patta was granted to him by the Deputy Tahsildar. However, the third respondent claims that one Bulkoosbeevi is the real owner of the property from whom he has purchased the property. Hence, it is clear that there is a serious title dispute between the petitioner and the third respondent herein. That apart, O.S.No.320 of 2010 has been filed by the third respondent herein against the petitioner and his brother before the District Munsif Court, Melur for the relief of permanent injunction and the same is pending. The writ petitioner and his brother have filed O.S.No.166 of 2012 before the Subordinate Court, Melur as against the third respondent herein and some third parties for the relief of declaration of title and permanent injunction and for declaration that the sale deed dated 25.06.2010 is not legally valid and for consequently reliefs.

11.In view of the above said facts, the Revenue Authority or this Court under Article 226 of Constitution of India will not have any jurisdiction to decide the title between the parties.

12.In view of the above said discussions, this Court passes the following order:

(1). Patta granted in favour of the writ petitioner under the impugned order shall be kept in abeyance till the disposal of the Civil suits.



W.P(MD).No.746 of 2014

(2). The concerned Civil Courts are directed to dispose of the suits uninfluenced by the order passed by the Revenue Authorities or by this Court in this writ petition.

13. With the above said observations, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

27 .07.2022

Internet : Yes/No
Index : Yes/No
msa

To

1. The District Collector
Madurai
Madurai District

2. The District Revenue Officer
Madurai, Madurai District



WEB COPY



W.P.(MD).No.746 of 2014

R.VIJAYAKUMAR, J.

msa

Pre-delivery order made in

W.P.(MD).No.746 of 2014
MP(MD).Nos. 1 and 2 of 2014

27.07.2022