



W.P.(MD).No.17475 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated 27.07.2022

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

**W.P.(MD).No.17475 of 2015
and MP(MD).No.1 of 2015**

S.Jahir Hussain

...Petitioner

Vs

1.The District Revenue Officer
Thanjavur

2.Aandal

....Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the first respondent in Tha.Pa.V(2) 10/2014 dated 17.04.2015 and quash the same as arbitrary and illegal.

For Petitioner : Mr.P.Ganapathi Subramanian

For R1 :Mr.S.Shanmugavel
Special Government Pleader

For R2 : Mr.P.Sesubalan Raja

ORDER

The present writ petition has been filed challenging an order passed by the first respondent herein under which the patta standing in the name of the



W.P(MD).No.17475 of 2015

writ petitioner's vendor was cancelled. However, no positive order was granted in favour of the second respondent.

2. According to the learned counsel for the petitioner, the properties originally belonged to one Angammal who had executed a settlement deed in favour of one Maruthayee Ammal. After the death of Maruthayee Ammal, the property has devolved upon her brother Thiyagarajan's grandson in whose favour the patta was granted by the revenue authority. Based on the said patta, the said Thiyagarajan and his children have alienated the property in favour of the writ petitioner and hence, he is entitled for the patta.

3. The learned counsel for the respondents had contended that the settlement deed executed by the said Maruthayee Ammal in favour of the Angammal was cancelled by her and thereafter, her brother Govindasamy had executed a gift deed in favour of his son Rajakannan who had sold it to one Vaithiyalingam and the said Vaithiyalingam has sold it to one Balasubramaniam. According to the learned counsel for the second respondent, the said Balasubramaniam has alienated the property in favour of the second respondent herein.



W.P(MD).No.17475 of 2015

4.A perusal of the sequence of tracing of title will clearly indicate that there is a serious title dispute between the parties with regard to the ownership of the property and the right of executing the settlement deed or cancel the same. Hence, the said issue cannot be decided by the first respondent herein.

5.In view of the above said facts, this Court is of the opinion that there is no ground to interfere with the order passed by the first respondent. The parties are at liberty to approach the competent Civil Court to resolve the dispute with regard to the tile of the property.

6.With the above observation, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

27.07.2022

Internet : Yes/No
Index : Yes/No
msa

To

The District Revenue Officer
Thanjavur



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W.P(MD).No.17475 of 2015

R.VIJAYAKUMAR, J.

msa

Pre-delivery order made in

W.P.(MD).No.17475 of 2015
and MP(MD).No.1 of 2015

.08.2022