



W.P(MD)No.18451 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.08.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.18451 of 2015

K.Pandi

... Petitioner

Vs.

1.The District Revenue Officer,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Manamadurai Taluk Office,
Manamadurai,
Sivagangai District.

3.Mayalagu

... Respondents

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 impugned order in Pa.Mu.P4/5452/2014 dated 24.06.2014 passed by the first respondent and quash the same and consequently direct the second respondent change the revenue document on the name of the petitioner.



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For Petitioner : Mr.G.Gomathi Sankar
For R1 & R2 : Mr.N.Muthuvijayan
Special Government Pleader
For R3 : Mr.A.R.Kannappan

ORDER

The present writ petition has been filed challenging an order passed by the first respondent herein, under which the request of the third respondent herein for effecting corrections in the patta was accepted and the name of the writ petitioner was deleted.

2. According to the petitioner, patta for Survey No.91/17 in Patta No.172 was standing in the name of his grand-father Vellian, son of Pitchai. However, in the revenue records, it was erroneously mentioned as Pitchai, son of Vellaiyan. Hence, he had made a representation to the second respondent herein for rectification of the said defects. The petitioner has also lodged a complaint as against the third respondent herein in Crime No.137 of 2014 on the file of Manamadurai Police Station. A report has been sent by the second respondent herein to the concerned police station to the effect that the third respondent's name has been wrongly inserted in the patta without any formal orders.



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3. The third respondent herein has approached the first respondent contending that wrongly the petitioner's name has been included in the patta and the same may be deleted and his name, Pitchai son of Muthu may be incorporated. By way of an impugned proceedings, the first respondent herein has accepted the request of the third respondent and passed an order, incorporating the name of the third respondent herein in the patta. The said order is under challenge in the present writ petition.

4. According to the learned counsel for the petitioner, the third respondent has no right, whatsoever, but erroneously the impugned order has been passed incorporating the name of the third respondent.

5. Per contra, the learned counsel for the third respondent had contended that the writ petitioner has also filed O.S.No.112 of 2017 on the file of the Principal District Munsif Court, Manamadurai as against the third respondent herein and his brother, Pitchai and the vendors of the third respondent herein for the relief of declaration of title, permanent injunction and for other reliefs for the same disputed property. Hence, he contended that the entire issue has to be decided only by a competent



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Civil Court and this Court may not interfere in the order passed by the first respondent herein.

6. I have carefully considered the submissions made on either side and perused the records filed on either side.

7. The writ petitioner claims title to the disputed property on the ground that it belongs to his grand-father Vellaiyan. On the other hand, the third respondent herein claims that it belongs to his father Muthu. This issue cannot be decided either by the revenue authorities or by this Court, exercising its power under Article 226 of the Constitution of India. Already the petitioner has approached the Civil Court for declaration of title, permanent injunction and for other reliefs relating to the same disputed property.

8. In view of the above said facts, this Court passes the following order:

(i) The order impugned in the writ petition is sustained and the patta will continue to stand in the name of the third respondent.



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(ii) After disposal of O.S.No.112 of 2017, the

parties are at liberty to approach the revenue authorities for transfer of patta depending upon the result of the said civil suit.

9. With the above said observations, this Writ Petition is disposed of. No costs.

12.08.2022

Index : Yes / No
Internet : Yes / No

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To

1.The District Revenue Officer,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Manamadurai Taluk Office,
Manamadurai,
Sivagangai District.



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R.VIJAYAKUMAR ,J.

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