



W.P.(MD).No.708 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2022

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.708 of 2016

and

W.M.P(MD)Nos.557of 2016 & 12779 of 2017

S.Muthuraman

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The District Revenue Officer,
Sivagangai District,
Sivagangai.

3.S.Papa

4.P.Rakku

... 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 pertaining to the impugned order in Na.Ka.B4/59/2014 dated 04.12.2015 on the file of Respondent No.2 and quash the same as illegal and consequently direct the respondents to restore the patta for the properties in Survey No.121/3, 121/3B in Pudhupatti Village, Sivagangai Taluk, Sivagangai District in favour of the petitioner within the time frame stipulated by this Court.



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For Petitioner : Mr.T.Lajapathi Roy
For R1 & R2 : Mr.S.Shanmugavel
Additional Government Pleader
For R3 & R4 : Mr.N.Balakrishnan

ORDER

The present writ petition has been filed challenging an order passed by the second respondent herein, under which he has transferred the patta standing in the name of the writ petitioner to the name of the third and fourth respondents.

2. According to the learned counsel for the petitioner, the properties in Survey Nos.121/3A and 121/3B totally an extent of 10 Acres was originally owned by one Periannan. He died intestate, leaving behind his two sons, namely, Periyasamy and Pitchai. The petitioner had purchased the Survey No.121/3B from one of the sons, namely, Pitchai in the year 1984. Thereafter, the other Survey No.121/3A was purchased by the petitioner in the year 1998 from the other son, namely, Periyasamy. The revenue patta was also transferred in the name of the writ petitioner. The respondents 3 and 4 herein do not have any right or title over the said survey numbers. However, alleging that a mistake has crept in



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during UDR proceedings, the respondents 3 and 4 have approached the second respondent for transfer of patta in their name.

3. The learned counsel for the petitioner has further contended that the second respondent without deciding the patta dispute, has virtually conducted a trial and decided about the validity of the documents filed on either side and decided the title of the parties. Hence, he prayed that the impugned order may be set aside.

4. Per contra, the learned counsel for the respondent had contended that the suit properties originally belonged to one Samayannan and the respondents three and four herein are the legal heirs of the said Samayannan. The SLR records and the provisional patta also stand in the name of the said Samayannan. Only during the UDR proceedings, instead of patta being granted to the legal heirs of the said Samayannan, erroneously patta has been granted in favour of the writ petitioner. Hence, they were constrained to approach the second respondent for the transfer of patta in their own name. The learned counsel for the respondent has further contended that since the petitioner has placed his title deeds before the revenue authorities, naturally the revenue



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authorities were forced to look into those documents to arrive at a finding. Hence, he prayed for sustaining the impugned order.

5. The learned Government Pleader for the official respondents has contended that the second respondent has not decided the title and he has only referred to the documents filed on either side and arrived at a finding that during UDR proceedings, certain mistakes have happened and he has rectified the mistake under the impugned order.

6. I have carefully considered the submissions on either side.

7. The respondents three and four claimed title to the property based upon SLR records and provisional patta of the year 1956. The respondents 3 and 4 also rely upon certain documents of the year 1961. On the other hand, the petitioner rely upon two sale deeds of the year 1984 and 1998. There is a serious title dispute as to whether the vendor of the writ petitioner, namely, Periannan had any title to the property or not and whether the SLR records reflect the name of the original owner or not. These issues cannot be decided by the revenue authorities or by this Court while exercising its jurisdiction under Article 226 of Constitution of India.



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8. The second respondent herein has *prima facie* arrived at a conclusion that the respondents three and four are entitled to patta based upon SLR records and rough patta issued in the year 1956. I do not find any reason to disturb the said order at this point of time. Since there is a serious title dispute between the parties, the writ petitioner is directed to approach the Civil Court to vindicate his title and possession over the disputed properties. The writ petitioner can very well approach the revenue authorities after the disposal of the civil suit depending upon the result of the civil suit.

9. With the above said observations, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

14.07.2022

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Index : Yes / No
Internet : Yes / No



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Sivagangai.



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R.VIJAYAKUMAR ,J.

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