



W.P(MD)No.8785 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.8785 of 2016
and
W.M.P(MD)No.6983 of 2016

Ramanathan

... Petitioner

Vs.

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

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

3.Muthukaruppan Servai @ Lakshmanan (Died)

... Respondents

4.Gnammal

5.Subbulakshmi

6.Sekar

7.Praveena

8.Sangeetha

9.Arulmary

10.Suresh

... Proposed Respondents

(Respondents 4 to 10 are substituted as legal heirs of the deceased third respondent vide Court order, dated 02.03.2018, in W.M.P(MD)No.4604 of 2018)



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned order of the first respondent in Na.Ka.No.B1/12760/14, dated 25.02.2016 and quash the same.

For Petitioner : M/s.R.Balakrishnan
for Mr.S.Ashok

For R-1 & R-2 : M/s.M.Lingadurai
Special Government Pleader

For R-3 to R-10 : Mr.J.Anand Kumar

ORDER

The present Writ Petition has been filed challenging an order passed by the first respondent herein, under which, the request of the petitioner for grant of patta for an extent of 47 cents in Survey No.204/15 was rejected on the ground that it is a Sarkar Grama Natham.

2. According to the learned Counsel for the petitioner, the property originally belonged to a temple, under kaul deed, dated 26.01.1865. Thereafter, it was sold in favour of Raman Chettiyar by the trustees of the said temple by a sale deed, dated 10.03.1921. The purchaser under



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the document, dated 10.03.1921, sold 38 cents in favour of one Venkata Samy in the year 1986. Thereafter, the said Venkata Samy has executed a registered inam settlement deed in favour of his son on 13.12.2013. Hence, the petitioner claims title to the property by way of a registered document from the year 1865 onwards.

3. Per contra, the learned Counsel appearing for the third respondent contends that he is in possession for so many years and he is entitled to an assignment patta in his favour. Hence, he has approached the second respondent herein who referred the matter to the first respondent herein. The first respondent has arrived at a finding that it has been recorded as a Sarkar Grama Natham and there is no proof how the trustees have executed a sale deed in favour of the private parties. Based upon the said findings, the request for patta made by the petitioner was rejected.

4. A sequence of the events mentioned above will clearly indicate that the title of the petitioner is being strongly disputed by the revenue authorities as well as by the third respondent herein. In view of the above



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said facts, the revenue authorities will have no jurisdiction to decide about the title and any finding rendered by this Court will only disturb the rights of the petitioner herein. In view of the above said facts, the writ petitioner is at liberty to approach the competent civil Court to establish his title and possession over the property in dispute. Any assignment patta granted in favour of the third respondent will be subject to the result of the civil suit.

5. With the above said observations, the writ petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

19.09.2022

Index : Yes / No
Internet : Yes / No
btr

To

- 1.The District Revenue Officer,
Sivagangai District,
Sivagangai.
- 2.The Revenue Divisional Officer,
Devakottai, Sivagangai District.

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R.VIJAYAKUMAR, J.

btr

Order made in
W.P(MD)No.8785 of 2016

19.09.2022