



WEB COPY

W.P.No.14111 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.14111 of 2022

and

W.M.P.No.13341 of 2022

Saravanan

... Petitioner

Vs.

1.The District Collector,
Dharmapuri District,
Dharmapuri.

2.The District Revenue Officer,
Dharmapuri District,
Dharmapuri.

3.The Tahsidar,
Nallampallai Taluk,
Dharmapuri District.

4.Velu

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records relating to the impugned order dated 18.05.2022 made in Na.Ka.No.12481/2021/P2 passed by the 2nd respondent and to quash the same.



For Petitioner : Mr.S.Karthik
For R1 to R3 : Mr.E.Sundaram
Government Advocate
For R4 : Mr.V.Sakkarapani

ORDER

The order passed by the District Revenue Officer cancelling the patta granted in the name of the petitioner is under challenge in the present writ petition.

2. The petitioner secured patta in his name in respect of the family properties. The 4th respondent, who is none other than the cousin of the petitioner raised an objection and filed an application for cancellation of patta. The District Revenue Officer conducted an adjudication by affording opportunities to the parties and formed an opinion that the subject properties are family properties and multiple legal heirs are entitled for their respective share in the subject property. In other words, the District Revenue Officer found that the patta granted solely in the name of the petitioner was erroneous and accordingly, cancelled the patta granted in the name of the writ petitioner and relegated the parties to approach the Competent Civil Court of



Law for the purpose of establishing their civil rights.

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3. When there is a family dispute in respect of the ancestral property and several legal heirs are raising objections, the patta was secured by one member of the family, then the parties claiming any such exclusive right has to approach the Civil Court for the purpose of establishing their right. The Revenue Authorities cannot adjudicate the issues relating to the title or ownership, and since there is a dispute between the family members the District Revenue Officer granted liberty to the parties to approach the Competent Civil Court of Law.

4. The learned Government Advocate appearing on behalf of the respondents brought to the notice of this Court that after cancelling the patta granted in favour of the petitioner the original patta stood in the name of the one Smt.Munniammal, Grandmother of the petitioner and 4th respondent restored.

5. That being the factum, the disputing parties are at liberty to approach the Competent Civil Court of Law for the purpose of establishing their rights in the manner contemplated. Therefore, this Court do not find any



infirmity in respect of the order impugned.

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6. With these observations, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

29.08.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To

- 1.The District Collector,
Dharmapuri District,
Dharmapuri.
- 2.The District Revenue Officer,
Dharmapuri District,
Dharmapuri.
- 3.The Tahsidar,
Nallampallai Taluk,
Dharmapuri District.



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S.M.SUBRAMANIAM, J.

Jeni

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