



W.P.No.15369 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.15369 of 2023

Vanajammal

... Petitioners

Vs.

1. The District Collector,
Collectorate, Erode-638 011,
Erode District
2. The Revenue Divisional Officer,
Gobichettipalayam-638 452,
Erode District.
3. The Revenue Tahsildar,
Thalavadi taluk, Erode District.
4. Chennanjappa

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the respondents 1 and 2 to cancel the bogus ownership certificate dated 24.03.2020 made in Pa.Mu No 472 / 2020 / A1 issued by the 3rd respondent in favour of the 4th respondent in respect of petitioners lands comprised in S.F. No 1194 /



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1 (4Cents) S.F. No 1194 / 2 (1.96 Acres) S.F. No. 1196 / 2 (97 cents) and S.F. No 1196 / 3 (43 cents) Mallankuzhi village, Thalavadi Taluk, Erode District by considering the petitioners representations dated 21.05.2022 and 08.02.2023.

For Petitioners : Mr.N.Manoharan
For Respondents :
(for R1 & R3) : Mr.T.Arun Kumar, AGP

ORDER

The writ of mandamus has been instituted to direct the respondents 1 and 2 to cancel the bogus ownership certificate dated 24.03.2020, made in Pa.Mu No 472 / 2020 / A1 issued by the 3rd respondent in favour of the 4th respondent in respect of petitioners lands comprised in S.F. No 1194 / 1 (4Cents) S.F. No 1194 / 2 (1.96 Acres) S.F. No. 1196 / 2 (97 cents) and S.F. No 1196 / 3 (43 cents) Mallankuzhi village, Thalavadi Taluk, Erode District by considering the petitioners representations dated 21.05.2022 and 08.02.2023.

2.The petitioner states that he is the absolute owner of the landed properties measuring 11.26 Acres at Mallnkuzhi Village, Thalavadi Taluk, Erode District. The grievance of the writ petitioner is that a fake ownership



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certificate was issued by the Tahsildar without any jurisdiction and authority under law. Taking undue advantage of the ownership certificate issued by the revenue authorities, the 4th respondent is claiming title and causing nuisance to the petitioner by interfering with his peaceful possession and enjoyment of the properties.

3.The learned counsel for the petitioner mainly contended that the Tahsildars have no authority to issue any such ownership certificate which is not contemplated. Such ownership certificate, if granted, would cause prejudice to either of the parties and more so, the Tahsildars are assuming the powers of the Civil Court since title and ownership is to be declared by the competent Civil Court of law only after an elaborate adjudication.

4.The Tahsildar, Mr.T.V.Ravishankar is present before this Court. On instructions, the learned Additional Government Pleader relied on the letter of the Commissioner of Revenue Administration and Disaster Management, dated 29.03.2023 stating that the Tahsildars are already directed not to issue any certificate of ownership to any person from the year 2023. The present certificate which is impugned in the present writ petition was issued by the Tahsildar in the year 2020 and therefore,



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currently no such certificates are issued by any Tahsildar across the state.

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5. In view of the said submissions, the writ petition is to be considered. The revenue authorities are incompetent to declare ownership or issue any such certificate of ownership to any person, either under the Transfer of Property Act or under Patta Passbook Act. Aggrieved persons have to approach the competent Civil Court of law for the purpose of establishing their property rights or otherwise. The power of the Civil Court conferred under the code of civil procedure cannot be usurped by the Revenue authorities which would cause infringement of right of any of the persons raising counter claims.

6. Accordingly, the respondents 1 and 2 are directed to cancel the ownership certificate issued by the 3rd respondent in favour of the 4th respondent in proceeding Pa.Mu No 472 / 2020 / A1, dated 24.03.2020, and relegate the parties to the Civil Court for the purpose of establishing their right in the manner known to law. The said exercise is directed to be done within a period of six(6) weeks from the date of receipt of a copy of this order.



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7. With these directions, the writ petition stands **allowed**. No costs.

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Index : Yes

Speaking Order

Neutral Citation : Yes

To

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S.M.SUBRAMANIAM. J.,

(sha)

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