



W.P.No.15505 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

CORAM

THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

W.P.No.15505 of 2022

B.K.Prabakar

... Petitioner

Vs

1. The District Collector,
Krishnagiri District,
Krishnagiri.
2. The District Revenue Officer,
Krishnagiri District,
Krishnagiri.
3. The Revenue Divisional Officer,
Hosur Taluk,
Krishnagiri District.
4. The Tahsildar,
Hosur Taluk,
Krishnagiri District.
5. Sandu @ Mathanagirikan

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the proceedings of the second respondent vide



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Pa.Mu.No.26735/2019/J2 dated 25.02.2022 and quash the same as illegal, incompetent and ultravires and consequently direct the respondents to issue patta in the name of the legal heirs of Late.B.N.Krishna Chetty for the property comprised in S.No.27/2A and S.No.27/2B to an extent of 98 Cents at Motham Agraharam Village, Hosur Taluk, Krishnagiri District pursuant to the recommendation of the third respondent in Na.Ka.No.696/2020/P3 dated 22.09.2020.

For Petitioner : Mr.R.Jayaprakash

For Respondents :

For R1 to R4 : Mr.D.Ravichander
Special Government Pleader
For R5 : Mr.T.Vedi.

ORDER

The disputed issues between the parties cannot be adjudicated in a writ proceeding. The District Revenue Officer, Krishnagiri, passed an order, pursuant to the directions issued by this Court in W.P.No.18775 of 2021. The patta issued in favour of the third party is sought to be cancelled by the petitioner in his application.



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2. In view of the fact that the UDR records have already been corrected and the District Revenue Officer, Krishnagiri, also has rejected the claim of the writ petitioner, the petitioner has to approach the competent Civil Court, for the purpose of establishing his rights.

3. The disputed facts regarding the title or ownership though raised by the petitioner cannot be adjudicated in a writ proceeding. The Revenue Authorities are also incompetent to adjudicate the disputes of civil nature. The findings if any made during the course of adjudication by the Revenue Authorities cannot be construed as a binding factor for establishing title or ownership.

4. The disputed issues of civil nature are to be adjudicated by the parties before the competent Civil Court of Law. Revenue proceedings issued under the Tamil Nadu Patta Pass Book Act, 1983 or under any other statute cannot be considered as conclusive document for the purpose of establishing title or ownership. Even under Section 35 of the Indian Evidence Act, 1872, revenue proceedings are not conclusive



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evidence and the parties are to establish their case independently for the purpose of proving the title or ownership.

5. In the present case, the grounds raised by the petitioner on merits are to be adjudicated before the appropriate Civil Court and the petitioner is at liberty to do so in the manner known to law.

6. Accordingly, the writ petition stands disposed of. No cost.

19.06.2023

Index : Yes/ No
Neutral Citation : Yes/No
Speaking/Non-speaking Order
rgm



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S.M.SUBRAMANIAM, J.

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