IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.17955 of 2023
and
W.M.P.No.17100 of 2023

1.Margabandu

2.Venkatesan

3.Narasimhan ... Petitioners

Vs.

1.District Revenue Officer,
Ranipet.

2.Sathyakumar

3.Kirubanantham

4.Kirubakaran

5.Manavalan ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records of the 1st respondent herein dated 17.03.2023 bearing Pa.Mu.D2/46/2023 and quash the same.

For Petitioners : Mr.K.Venkatasubban
For M/s.Sarvabhauman Associates

For R1 : Mr.T.Arunkumar,
Additional Government Pleader

ORDER

The order passed by the District Revenue Officer, Ranipet dated 17.03.2023 is sought to be quashed in the present writ petition.

2. The petitioner submitted an application on 12.10.2020 seeking joint patta. The application was filed since the patta was wrongly granted under UDR scheme. The District Revenue Officer, who is competent to adjudicate the issues conducted an enquiry by affording an opportunity to the parties. The application submitted by the writ petitioner was rejected by the District Revenue Officer.

3. The learned counsel for the petitioner mainly contended that the District Revenue Officer made a finding regarding title and ownership, which will cause prejudice to the property right of the petitioner. The District Revenue Officer has no authority to make such findings on merits in patta

proceedings.

4. No doubt, the District Revenue Officer is empowered to adjudicate the issues on merits. While doing so, the authorities are expected to restrain themselves from making certain findings, with reference to the title or ownership. The authorities are empowered to consider the documents produced by the respective parties for adjudication. While doing so, any findings with reference to title in a specific manner, no doubt, would cause prejudice to the parties. Even then, such findings would not confer any right on the parties regarding title or ownership. In other words, even if the Revenue Authorities have made findings on title or ownership, such findings is of no legal validity in the eye of law and such findings are to be understood and taken only for the purpose of issuance of patta, cancellation of patta or otherwise. Therefore, no party to the patta proceedings are entitled to claim any title or ownership merely based on the orders passed by the Revenue Authorities.

5. This being the basic principles, the findings made during the course of adjudication by any of the Revenue Authorities regarding title or ownership

is not binding on the parties concerned and they have to establish their civil rights before the Competent Civil Court of Law independently through documents and evidences and by instituting a Suit. Therefore, the findings made during the course of adjudication is to be construed only to the effect that such findings are made for arriving at a conclusion by the Revenue Authorities and not to confer any title or ownership to the parties. Against the orders passed by the District Revenue Officer, the petitioner has to institute a suit under the provisions of the Act.

6. This being the scheme of the Statute, no writ is entertainable and therefore, the petitioner is at liberty to approach the Competent Civil Court of Law for establishing his right.

7. In the event of institution of any such suit, the findings, if any made by the District Revenue Officer in his order cannot provide right or otherwise, but it is to be considered for the purpose of considering issues by the Civil Court.

8. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

19.06.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To

The District Revenue Officer,
Ranipet.

S.M.SUBRAMANIAM, J.

Jeni

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