



WEB COPY

WP No.20654 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20-09-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.20654 of 2023

And

WMP No.20019 of 2023

S.Sivakumar

... Petitioner

Vs.

1.The District Collector,
The District Collector's Office,
Erode District,
Erode.

2.The District Revenue Officer,
District Revenue Office,
Near Perimamariyamam Kovil,
Brough Road,
Erode District,
Erode.

3.The Revenue Tahsildar,
Revenue Tahsildar Office,
Modakurichi,
Erode District-638 104.



4.S.Vijayakumar

5.V.Ramkumar

6.V.Arunkumar

7.V.Amutha

8.M.Sathiyamoorthy

9.S.Abirami

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the third respondent to comply with the directions of the second respondent in his proceedings bearing No.O.Mu.119/2023/A4 dated 12.01.2023 and conduct an enquiry on the representation of the petitioner dated 04.01.2023 and consequently direct the third respondent to cancel the Land Ownership Certificate bearing Pa.Mu.3967/2022/A2 (நில உரிமை சான்று) dated 24.06.2022 issued by the third respondent along with the sub-division of Survey No.95/3 in Punjaikalamangalam Village, Modakurichi Block, Erode District.

For Petitioner : Mr.B.Pachaiyappan

For Respondents-1 to 3 : Mr.T.Arunkumar,
Additional Government Pleader.

For Respondents-4, 6 and
7 : Mr.M.Guruprasad



ORDER

The relief sought for in the present writ petition is to direct the third respondent to comply with the directions of the second respondent in his proceedings bearing No.O.Mu.119/2023/A4 dated 12.01.2023 and conduct an enquiry on the representation of the petitioner dated 04.01.2023 and consequently direct the third respondent to cancel the Land Ownership Certificate bearing Pa.Mu.3967/2022/A2 (நில உரிமை சான்று) dated 24.06.2022 issued by the third respondent along with the sub-division of Survey No.95/3 in Punjaikalamangalam Village, Modakurichi Block, Erode District.

2. The petitioner states that pursuant to the compromise decree passed in a Partition Suit, the parties have partitioned the family properties.

3. The grievance of the petitioner is that the Tahsildar, Modakurichi issued “நில உரிமை சான்று” on 24.06.2022 stating that the petitioner is in long possession of the subject property and therefore, he is entitled for the subject land as stated in the Certificate.



4. The learned counsel for the petitioner mainly contended that the Tahsildars are not competent to issue any such certificate declaring title in respect of an immovable property. Based on the said Certificate, the contesting respondents had executed the Settlement Deed and the said document caused prejudice to the interest of the petitioner.

5. The learned counsel appearing on behalf of the contesting parties raised an objection by stating that the decree relied on by the petitioner was wrongly interpreted. As per the decree, the family members were partitioned and the respective portion to the eligible members of the family were demarcated. The petitioner made an attempt to take undue advantage to get excess property over and above his entitlement. That being the case, the present writ petition is to be rejected.

6, The learned Additional Government Pleader, appearing on behalf of respondents 1 to 3, based on the instructions given by Mr.M.Elanchezian, Tahsildar, Modakurichi Taluk, Erode District (Cell No.8778481035), present before this Court and furnished the copy of the Circular issued by the Commissioner of Revenue Administration dated



29.03.2023. In certain areas in the State of Tamil Nadu, the practice of issuing such Land Ownership Certificate was in force and the Commissioner has issued Circular not to issue any such Certificate to any person and now the said practice has been stopped. The Revenue Divisional Officers are instructed not to issue any such Land Ownership Certificate merely based on the possession of the parties in respect of immovable properties.

7. The Tahsildars are incompetent to issue such Certificates, which would cause prejudice to the civil rights of the parties. The civil rights of the parties are to be adjudicated before the Competent Civil Court of Law and based on the documents and evidences available on record. The issuance of Certificates are abused by any one of the parties for the purpose of establishing their rights and therefore, the Revenue Authorities are not empowered to issue any such Certificates which will have the effect of declaration of title in respect of immovable properties.

8. In view of the fact that the Land Ownership Certificate dated 24.06.2022 issued by the Tahsilar is beyond the scope of the powers



conferred on the Tahsildar and the said Land Ownership Certificate dated 24.06.2022 issued by the Tahsildar, Modakurichi, Erode District is quashed.

WEB COPY

9. As far as the Settlement Deed and the document registered, the same are to be considered independently and in this regard, the aggrieved parties are at liberty to approach the Competent Civil Court of Law in the manner contemplated.

10. With the above observations, the present writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

20-09-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn



To

1. The District Collector,
The District Collector's Office,
Erode District,
Erode.
2. The District Revenue Officer,
District Revenue Office,
Near Perimamariyamam Kovil,
Brough Road,
Erode District,
Erode.
3. The Revenue Tahsildar,
Revenue Tahsildar Office,
Modakurichi,
Erode District-638 104.

WP No.20654 of 2





WEB COPY

WP No.20654 of 2



S.M.SUBRAMANIAM, J.

Svn

WP 20654 of 2023

20-09-2023