



WEB COPY



W.P.No.1719 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.1719 of 2018

and

W.M.P.Nos.2141 & 2142 of 2018

E. Panneer

... Petitioner

Vs.

1.The District Revenue Officer,
Cuddalore.

2.The Revenue Divisional Officer,
Chidambaram.

3.E. Sivakumar

4.E. Singaravelu @ Singaram

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari, to call for the records and quash the proceedings of the 2nd respondent in Moo.Mu.A1/ 1222/ 2016 dated 22.03.2017 as confirmed by the 1st respondent in Na.Ka.V3/10713/2017 dated 02.12.2017.

For Petitioner : Mr.D.Baskar

For Respondents

(for R1 & R2) : Mr.E.Sundaram

Government Advocate

(for R3 & R4) : Mr.T.Sundaranatha



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ORDER

The order of cancellation of patta, granted in favour of the petitioner and subsequent issue of joint patta, is under challenge in the present writ petition.

2. The petitioner states that the subject property, described in the present writ petition, was originally a Government Poramboke land. The father of the petitioner was in possession of the said property and he had put up a hut and was residing there for a long number of years. The Government granted patta in favour of the father of the writ petitioner since he was landless and poor during the relevant point of time. In other words, the subject property was assigned in favour of the father of the writ petitioner. The assignment was made in the individual name of the father of the writ petitioner and in favour of the respondents 3 and 4 jointly.

3. Pursuant to the patta, the petitioner was in possession and enjoyment of the property based upon the Will executed by his father. The Will itself was questioned by the 3rd respondent. The petitioner submitted an application to cancel the joint patta and to grant patta in his name. The patta was granted in the name of the petitioner which was taken by way of



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an appeal before the Revenue Divisional Officer. The Revenue Divisional Officer cancelled the patta granted in the name of the petitioner and relegated the parties to approach the Civil Court of law. Again the Revision was preferred before the District Revenue Officer who in turn confirmed the order passed by the Revenue Divisional Officer.

4. The learned Government Advocate, relying on the counter affidavit filed by the Revenue Divisional Officer, made a submission that the Revenue Inspector, Parangipettai submitted his report on 08.03.2017 stating that the above said property is Natham poramboke and patta was issued to the persons who were in possession and accordingly joint patta was issued by the Tahsildar, Chidambaram on 25.03.1999 in favour of (1) Erusappan, (2) Panneer and (3) Singaram. At this stage, Mr. Erusappan has executed an unregistered Sale Deed on 16.09.1997. It was also found that the Document dated 15.12.1997, executed by (1) Erusappan, (2)Ponnammal, (3)Singaram, and (4) Sivakumar to and in favour of Mr.Panneer is a forged document. Further, the Will executed by Erusappan and Ponnammal is contrary to the above said documents.



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5. He further stated that during enquiry, it was found that the said property stands in the name of Mr. Panneer in the Village Accounts but in the Taluk Accounts the said property stands in the name of (1) Erusappan, (2) Panneer, (3) Singaram. The Encumbrance Certificate obtained from the Sub Registrar, Parangipettai shows Nil encumbrance from 01.01.1987 to 03.08.2016. Further it is submitted that this respondent duly considered the documents, written statements of the parties and the report submitted by the Revenue Inspector, Parangipettai along with the statements of the Village people and other documents. Finally it was concluded that the said Mr. Erusappan had three sons viz. (1) Panneer, (2) Singaram, (3) Sivakumar and the names of Erusappan and Singaram were removed from the Joint patta No.433 on the basis of the forged documents produced by Mr.Panneer and patta has been transferred in the name of Mr.Panneer in a wrong manner. It is evident from the patta issued under UDR scheme that the property stands as Joint patta in the names of the said three persons and still the names of the said three persons are shown in Taluk accounts and hence it was decided to cancel the Patta No.433 as separate patta in the name of Mr.Panneer and to continue the Joint patta in favour of Tvl. (1) Erusappan, (2) Panneer, (3) Singaram and (4) Sivakumar and accordingly, an order was passed in Proc. No.Moo.Mu.A1/1222/2016 dated 22.03.2017



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and it was made clear that if any appeal is to be preferred, the appeal has to be filed within 30 days from the date of receipt of the order.

6. In view of the findings made by the Revenue Divisional Officer, questioning the validity of the documents, the relief as such sought for in the present writ petition cannot be granted. The Revenue Divisional Officer has rightly relegated the parties to approach the competent Civil Court of law. Such disputed issues between the parties cannot be adjudicated in a writ proceedings and to be adjudicated based on the documents and evidences available on record.

7. That being the factum established, the petitioner is at liberty to approach the Civil Court of law for the purpose of redressal of his grievances.

8. Accordingly, the writ petition stands **dismissed**. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes
Speaking Order
Neutral Citation : Yes
(sha)

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S.M.SUBRAMANIAM. J.,

(sha)

To

1.The District Revenue Officer,
Cuddalore.

2.The Revenue Divisional Officer,
Chidambaram.

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