



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.18625 of 2023

and

W.M.P.Nos.17865 to 17867 of 2023

1.R.Pruushothaman

2.R.Janarthanan

... Petitioners

vs.

1.The State of Tamil Nadu
represented by its Secretary to Government
Revenue Department
Fort Sst. George, Chennai 600 009.

2.The Special Commissioner and
Commissioner for Revenue Administration
Ezhilagam, Chepauk,
Chennai 600 005.

3.The District Collector
Tirupur District.

4.The District Revenue Officer
Tirupur District.

5.The District Surveyor
O/o.the District Collectorate
Tirupur District.



6. The Village Administrative Officer
Ponnapuram Village, Dharapuram Taluk
Tirupur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the 4th Respondent in connection with the order passed by him in his proceedings Pa.Mu.06536/2022/J1 dated 27.10.2022 and quash the same and direct the Respondents 2 to 4 to reconsider the case of the Petitioners for cancellation of Patta Nos.539 (SF No.1153/3C2), 536 (SF No.1153/3A2), 474 (SF No.1153/3C1) & 242 (SF No.1153/3A1) in Ponnapuram Village, Dharapuram Taluk, Tiruppur District and for resurvey and subdivision of Petitioner's lands as per the registered original partition deed Doc.No.2031/1958 dated 19.07.1958 and consequently issue individual patta for the same.

For Petitioner : Mr.S.Selva Thirumurugan

For Respondents : Mr.S.Ravichandran
Additional Government Pleader

**ORDER**

This writ petition has been filed challenging the proceedings of the 4th respondent dated 27.10.2022 and for a consequential direction to the respondents to resurvey and sub-divide the subject lands and to issue new patta.

2. Heard Mr.S.Selva Thirumurugan, learned counsel for the petitioner and MR.S.Ravichandran, learned Additional Government Pleader for respondents.

3. The petitioners are claiming a right and title over the subject property by virtue of partition deed dated 19.07.1958 registered as document No.2031 of 1958. The grievance of the petitioners is that the entire extent of 15.38 acres was settled in favour of the mother of the petitioners through a settlement deed dated 20.03.1959. Thereafter, the petitioners have become absolute owners of the subject property.



4. The further case of the petitioners is that during the UDR survey that was done during the year 1979 to 1987, the lands were further sub-divided and there was a mistake committed. As a result, the holdings of the petitioners was reduced and in SF No.1153/3A2, the petitioners lost nearly 0.26 acres in SF.No.1153/BC2, the petitioners lost nearly 1.13 acres.

5. The petitioners aggrieved by the same, submitted an application to the 4th respondent to sub-divide and resurvey and thereafter to re-issue individual patta by taking into consideration the original title deed viz., Partition deed dated 19.07.1958. Since the same was not considered, the petitioner approached this Court and filed WP No.25076 of 2022. This writ petition was disposed of by an order dated 02.11.2022 since by then, the representation made by the petitioners was rejected and the petitioners were given liberty to work out their remedy against the order passed by the 4th respondent. It is under these circumstances, the present writ petition has been filed before this Court.



6. This Court carefully went through the order passed by the 4th respondent. It is seen that the 4th respondent was pitted with two rival claims based on documents registered as document No.2031 of 1958 relied upon by the petitioner and the documents that were relied upon by the rival claimants. Insofar as the rival claimant is concerned, one Kanagaraj had already purchased the property and was in possession and enjoyment of an extent of 6.48 acres in SF No.1153/3C. Since the claim was made by the petitioners, he had also filed a suit seeking for the relief of declaration and other consequential reliefs before the District Munsif Court, Dharapuram and the same is pending in O.S.No.412 of 2014. The petitioners are also parties in this suit. Keeping all this in mind, the 4th respondent came to a conclusion that the dispute involved can be resolved only before the competent Civil Court. Accordingly, the application submitted by the petitioners was rejected.

7. This Court does not find any illegality in the proceedings of the 4th respondent. The 4th respondent has assigned proper reasons as to why the claim made by the petitioner cannot be



gone into in the application submitted by the petitioner and that the same can only be resolved by a competent Civil Court. In any case, there is already a suit pending in O.S.No.412 of 2014 before the concerned Civil Court. Hence, the parties can always agitate their rights in the pending suit. Accordingly, this Court does not want to interfere with the proceedings of the 4th respondent.

8. It is left open to the petitioners to make their claim in the pending suit in O.S.No.412 of 2014 pending before the District Munsif Court, Dharapuram and the Civil Court shall deal with the rival claims on its own merits and in accordance with law and shall pass a final judgment. Since the suit has been pending from the year 2014, there shall be a direction to the District Munsif Court, Dharapuram, to dispose of O.S.No.412 of 2014 within a period of six months from the date of receipt of a copy of this order. Except giving this direction, no further orders can be passed in this writ petition.



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9. This writ petition is disposed of in the above terms. No costs. Consequently, the connected miscellaneous petitions are closed.

26.06.2023

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation Case : Yes/No

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N. ANAND VENKATESH, J.
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