



W.P.No.26846 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2023

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26846 of 2017 and
W.M.P.No.28582 of 2017

1. G.M.Babu
2. G.M.Sivagurunathan .. Petitioners

VS

1. The District Revenue Officer
Collectorate Building
Erode – 638 011.

2. The Sub Collector
Gobichettipalayam
Erode District.

3. The Tahsildar
Sathyamangalam Taluk
Erode District.

4. The Zonal Deputy Tahsildar
Sathyamangalam Taluk
Erode District.

5. Valliammal
6. R.S.Velmurugan .. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order made in Na.Ka.No.18270/2016/U2, dated 13.02.2017 passed by the first respondent confirming the order made in Pa.Mu.No.9808/2015/A2, dated 24.06.2015 passed by the second respondent quash the same and consequently direct the respondents 1 to 4 to restore the mutation entries relating to the property measuring 1.00 acre bearing natham S.No.133/4A, Punjai puliampatti Village, Sathyamangalam Taluk, Erode District as per the order dated 22.02.2009 made in RTR No.232/2009 passed by the fourth respondent.

For the Petitioner : Mr.N.Manokaran

For the Respondents : Mr.S.Ravichandran
Additional Government Pleader
for respondents 1 to 4

Mr.R.Bharath Kumar
for respondent 5

Mr.V.P.K.Gowtham
for respondent 6

ORDER

The mutation of records issued in proceedings dated 24.06.2015, which is confirmed by the first respondent in order dated 13.02.2017 are challenged in the present writ petition.



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2. The main contention raised on behalf of the petitioners are that the fifth respondent had given an undertaking before the District Collector that they have no right in respect of the subject property. The learned counsel for the petitioner drew the attention of this Court with reference to the statement given by the fifth respondent before the District Collector and contended that the fifth respondent has relinquished her right with respect of the subject property and thus, the impugned order passed, inviting mutation against the petitioner is contrary to the statements given by the title holder of the subject property. The Collector accepted the statement given by the fifth respondent. While so, there is no reason to effect mutation in the revenue records.

3. Admittedly, a civil dispute was being adjudicated before the revenue authorities. The petitioner claiming right over the immovable property, in the event of any dispute regarding the grant of patta, its cancellation or mutation of revenue records, is at liberty to establish their civil right in respect of the immovable property by approaching the



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competent Civil Court.
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4. Such adjudication cannot be undertaken in a writ proceedings by the High Court under Article 226 of the Constitution of India. Mere statement of any of the parties before the revenue authorities cannot be taken into consideration for the purpose of confirming civil rights in civil proceedings. Even in respect to the submissions made before the revenue authorities, trial is to be conducted by examining such persons who have given such statements to ascertain the genuinity or otherwise. Thus, the parties are open to approach the Civil Court for establishing their civil rights in respect of the immovable property. The revenue authorities have to decide the issues for grant of patta, cancellation or mutation of revenue records only based on the documents. However, such revenue authorities have no jurisdiction to decide the title or ownership of the persons in respect of the immovable property. Thus, the civil natured dispute, which is now placed before this Court cannot be decided in the event of any jurisdiction in the writ proceedings on merits.



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5. Thus, the petitioner is at liberty to approach the Civil Court for the purpose of establishing her right and after reaching finality, the petitioner has to approach the revenue authorities for effecting necessary mutation or grant of patta or otherwise.

6. With these directions, the writ petition is disposed of. There will be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Index : Yes/No
Neutral Order:Yes/No

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S.M.SUBRAMANIAM,J.

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