



W.P(MD)No.9086 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.9086 of 2023
and
W.M.P(MD)No.8227 of 2023

A.Muthuramkumar

... Petitioner

Vs.

1.The Additional Collector and
District Revenue Officer,
Thoothukudi District,
Thoothukudi.

2.The Revenue Divisional Officer,
Tiruchendur,
Thoothukudi District.

3.The Revenue Tahsildhar
Eral Taluk Office,
Thoothukudi District.

4.Kanthappan

.. Respondents



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PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the 1st Respondent pertaining to the Impugned Order in Na.Ka.46-7545-2018 dated 13.02.2020 and quash the same as illegal and arbitrary and consequently direct the respondents 1 to 3 to issue separate Patta in the name of the petitioner with regard to bearing in Survey Nos.167/5A, 167/5B, total extent as 8 cents which is situated at Angamanalgam Village, Eral Taluk, Thoothukudi District.

For Petitioner : Mr.A.D.Ganeshamoorthi
For Respondents : Mr.N.Muthu Vijayan - for R1 to R3
Special Government Pleader
Mr.R.J.Karthick - for R4

ORDER

The Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking interference with an order of the first respondent, dated 13.02.2020 and to direct the respondents 1 to 3 to grante separate patta in the name of the petitioner with respect to the

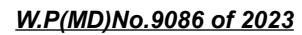


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lands and building in Survey No.167/5A, 167/5B totally measuring 8 cents at Angamangalam Village, Eral Taluk, Thoothukudi District.

2. In the affidavit filed in support of the Writ Petition, it had been stated that the petitioner is working as an Executive Engineer in Thermal Power Station, Thoothukudi. The said lands which had been stated above were claimed to have been purchased by the mother of the petitioner in the year 1986 by a registered sale deed as Document No.24 of 1986 registered with Kurumbur Sub Registrar Office. It is also claimed that the mother of the petitioner obtained patta No.96 from the third respondent. Thereafter, the mother had settled the property in the name of the petitioner by a registered settlement deed registered as Document No.116/2014. It had been stated that the fourth respondent was having vacant land in survey No.167/7B1 which is adjacent to the land of the petitioner.

3. It is claimed that the fourth respondent had encroached into the property of the petitioner. It is stated that the petitioner had applied for patta but that was rejected by the third respondent. He had



4. It had been contended by all the officials that the title of the deed stands in the name of the fourth respondent, Kanthappan, and the revenue records also reflects the name of the fourth respondent.

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title. The revenue records will also have to be summoned. All these aspects can be examined only by a competent Civil Court which has territorial jurisdiction over the said land.

6. A counter affidavit had also been filed by the fourth respondent wherein, it had been stated that the property in Ayan Punja Survey No.167/7B1 measuring 7 cents belonged to his mother Mrs.Avudayammal, who had purchased the same by a sale deed, dated 08.05.1942 executed by his grandmother, Mrs.Subbammal and his father, Sethuramalingam. A gift deed of the year 1957 was executed and the beneficiary was the father of the fourth respondent. Thereafter the fourth respondent had continued to hold the land. It had been stated that the petitioner had not produced any document to prove title over the property in Survey No.167/7B1.

7. In view of these facts, I hold the Writ Court can never examine the credentials of the petitioner herein which will can be tested only in a Civil Court. The Writ Petition is not the answer for the grievances of the petitioner herein.



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8. Accordingly, the Writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

16.06.2023

Index :Yes/No
Internet :Yes/No
NCC : Yes / No

RM

To

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C.V.KARTHIKEYAN, J.

RM

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