



W.P.(MD) No.9516 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.9516 of 2020

L.Muthukaruppan

.. Petitioner

Vs.

1.The District Collector,
Trichy District,
Trichy.

2.The District Revenue Officer,
Trichy District,
Trichy.

3.The Revenue Divisional Officer,
Sri Rangam Region,
Vannankoil,
Trichy.

4.The Tahsildar,
Office of the Tahsildar,
Manapparai Taluk,
Trichy District.

5.M.Mahalakshami

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the 1st respondent to direct the 3rd respondent to cancel the Patta No.871 issued in the name of 5th respondent in respect of properties in Old Survey No.442/5, New Survey No.592/1, an extent of 5½ cents, South Street, Puthanatham, Manapparai Taluk, Trichy District, by considering petitioner's representation dated 20.07.2020, within the period stipulated by this Court.

For Petitioner	:	Mr.A.Haja Mohideen
For RR1 to 4	:	Mr.D.Ghandiraj Special Government Pleader
For R5	:	Mr.C.Murugavel

ORDER

This writ petition is filed seeking a mandamus, directing the first respondent to give necessary permission to the third respondent to cancel the patta bearing No.871 issued to the fifth respondent in respect of properties in Old Survey No.442/5, New Survey No.592/1 measuring an extent of 5½ cents situate at South Street, Puthanatham, Manapparai Taluk, Trichy District, by considering petitioner's representation dated 20.07.2020.



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2. The petitioner has approached this Court with a case that he has been residing in South Street, Puthanatham, Manapparai Taluk, Trichy District, along with 100 other families belonging to the Pallar Community, which is a scheduled community and the petitioner is the Headman of the community. There are two temples in their community belonging to them; one a Vinayagar Temple and the other Kalamman Temple.

3. It is his case that every year, they would celebrate their festival in which there is a custom of sacrificing goat and hen. For this purpose, an extent of 5½ cents in S.No.442/5, New S.No.592/1, South Street, Puthunatham, Manapparai, Trichy has been set apart. This site has been classified as a Natham property and the Revenue Divisional Officer, Karur, in his proceedings dated 27.11.1973, had issued patta in the name of Chinnu and Azhagan for the community purpose. The villagers are in use and occupation of the same.



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4. While so, the husband of the fifth respondent one Manimaran had come to their village to eke out his livelihood and he was permitted to stay in portion of this property by putting a thatched roof hut. It appears that taking advantage of the permission given to him, the said Manimaran had prepared bogus documents and got a patta in the name of the fifth respondent and the fifth respondent prevented the villagers from conducting the functions. Thereafter, a dispute had arisen and there was also a Peace Committee Meeting on 25.05.1997. In fact, criminal proceedings have also been initiated against the petitioner and others and ultimately, they had been acquitted. In addition, the said Manimaran viz., the fifth respondent's husband filed a suit in O.S.No.185 of 1999 on the file of the District Munsif's Court, Manapparai and had obtained an ex parte decree of injunction.

5. It is the case of the petitioner that the villagers, being uneducated, had not contested the said suit. The petitioner would further submit that one P.Nallathambi had filed a writ petition before this Court to cancel the patta granted in favour of the fifth respondent and in the



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meanwhile, the fifth respondent had left the village. Thereafter, the said Nallathambi had not proceeded with the writ petition. While so, on 18.07.2020, the fifth respondent's husband along with the Government Officer had come to the village to survey the site and had claimed that he had obtained an order from this Court. The petitioner would submit that he had sent a detailed representation to respondents 1 to 4 to cancel the patta issued to the fifth respondent and since the same was not considered, he has come forward with the writ petition in question.

6. When the matter had come up, the learned Special Government Pleader had produced a letter signed by the Tahsildar, Manapparai to the Government Pleader's Office, reading of which would show that the patta which is sought sought to be cancelled has been issued to the fifth respondent nearly 30 years ago and further, there is a serious dispute with reference to the title. In these circumstances, recourse open to the petitioner is to establish his right before the civil Court and not approaching this Court exercising jurisdiction under Article 226 of the Constitution of India. When there is serious dispute with reference to



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the title, the Revenue Authorities are not empowered to consider the question of title and it is only a civil Court that has jurisdiction. In the given circumstances, this Writ Petition fails and the same is dismissed.

No costs.

29.03.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

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P.T.ASHA, J.

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