



W.P.(MD) Nos.10359 of 2020 and 7646 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) Nos.10359 of 2020 and 7646 of 2021

and

W.MP(MD) Nos.9198 of 2020 and 5812 of 2021

W.P(MD) No.10359 of 2020

P.Singaraja

... Petitioner

Vs.

1.The District Revenue Officer,
Trichy District, Trichy.

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

3.The Tahsildar,
Marungapuri Taluk,
Trichy District.

4.Chinnakannu

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the first respondent in Moo.Mu.Aa5/17334 of 2018, dated 27.04.2020, quash the same and direct the respondents 1 to 3 to delete the name of the fourth respondent



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from the patta for the property bearing S.No.376/3 measuring Hectares 1.01.5 of Pirampatti South Village, Marungapuri Taluk, Trichy District and issue patta for the above property in the name of the petitioner.

For Petitioner : Mr.P.Vinoth

For R1 to R3 : Mr.A.Sivanupandian
Government Advocate

For R4 : Mr.AN.Ramanathan

W.P(MD) No.7646 of 2021

R.Chinnakannu

... Petitioner

Vs.

1.The District Revenue Officer,
Trichy District, Trichy.

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

3.The Tahsildar,
Marungapuri Taluk,
Trichy District.

4.P.Singaraja

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, calling for the records relating to the impugned order in Na.Ka.A5/17334/2018, dated 04.02.2021 issued by the first respondent read along with Mu.Mu.A5/17334/2018 dated



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27.04.2020 issued by the first respondent and quash the same in so far as the direction to approach the civil Court for partition by the parties read along with Mu.Mu.A7/2151/2018 dated 19.06.2018 issued by the second respondent and quash the same.

For Petitioner : Mr.AN.Ramanathan

For R1 to R3 : Mr.A.Sivanupandian
Government Advocate

For R4 : Mr.P.Vinoth

COMMON ORDER

W.P(MD)No.10359 of 2020 has been filed for issuance of writ of certiorarified mandamus calling for the records pertaining to the impugned order passed by the first respondent in Moo.Mu.Aa5/17334 of 2018, dated 27.04.2020, quash the same and direct the respondents 1 to 3 to delete the name of the fourth respondent from the patta for the property bearing S.No.376/3 measuring Hectares 1.01.5 of Pirampatti South Village, Marungapuri Taluk, Trichy District and issue patta for the above property in the name of the petitioner.



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2. W.P(MD) No.7646 of 2021 has been filed for issuance of writ of certiorari calling for the records relating to the impugned order in Na.Ka.A5/17334/2018, dated 04.02.2021 issued by the first respondent read along with Mu.Mu.A5/17334/2018 dated 27.04.2020 issued by the first respondent and quash the same in so far as the direction to approach the civil Court for partition by the parties read along with Mu.Mu.A7/2151/2018 dated 19.06.2018 issued by the second respondent.

3. It is the case of the petitioner in WP(MD) No.10359 of 2020 that the property comprised in Survey No.376/3 measuring an extent of 2.5 acres of Pirampatti South Village, Marungapuri Taluk, Trichy District, was his ancestral property and they have been allotted Patta No. 429, which was standing in the name of Arumugam Pillai, brother of the paternal grandfather of the petitioner. Since Arumugam Pillai had died issueless, the petitioner's grandfather Saminathan Pillai had succeeded to the same. Saminathan Pillai died leaving behind him surviving his sons Palaniappan Pillai, Shanmugam Pillai and Velappa Pillai. They succeeded to the said property. The elder son Palaniappan Pillai is the



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petitioner's father. Out of an extent of 2.50 acres, 2.06 acres was allotted to the petitioner's father Palaniappan Pillai under a registered partition deed dated 30.04.1964. The remaining extent of 44 cents was allotted to Shanmugam Pillai. Thereafter, under a registered settlement deed, dated 20.11.1973, the petitioner's father had settled the property in favour of the petitioner, his brothers and sisters. The legal heirs of Shanmugam Pillai had given up their rights in respect of the extent of 44 cents in favour of the petitioner and by consent, the properties have been mutated in the name of the petitioner's sisters and patta was issued in the name of his brothers as well. On 04.09.1995, his brothers Muthuveerappan and Arumugam had executed a settlement deed in favour of the petitioner and thereafter, the petitioner was issued with patta on 11.12.1995. Since then, the petitioner has been in enjoyment of the property by cultivating the same and raising different crops.

4. It is the further case of the petitioner that while he was perusing the patta, he found that the name of the fourth respondent has been included in the patta by mistake and the fourth respondent had nothing to do with the land in question. Therefore, he filed an appeal before the



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second respondent to delete the name of the fourth respondent.

However, without considering the facts put forwarded, the second respondent had dismissed the appeal on 19.06.2018. Aggrieved by which, the petitioner had filed a revision before the first respondent. Once again, without affording an opportunity and failing to consider it from the correct stand found, the first respondent has disposed of the revision by stating that the extent which would fall to the share of the petitioner and the fourth respondent can be worked out only by a Civil Court and also removed the name of the petitioner from the patta. Challenging the same, the present writ petition has been filed.

5. WP(MD) No.7646 of 2021 is filed by the fourth respondent who has also challenged the order passed by the first respondent dated 27.04.2020 followed by the order dated 04.02.2021. The petitioner in WP(MD) No.7646 of 2021, who is the fourth respondent in the other writ petition, would trace his title to the property through his ancestors. However, he would contend that the earlier patta stood in the name of his father Ramagounder @ RamasamyGounder. In the year 1962, one Arumugampillai's name was included in the patta. Though



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Arumugampillai's name was reflected in the joint patta, possession and enjoyment of the entire extent was with the petitioner and his father. In 1970, patta was issued under UDR scheme. While so, considering his possession of an extent of 250 acres in S.F.376/3 was recognized, UDR patta was granted in Patta No.429. This was challenged by the petitioner in WP(MD)No.10359 of 2020 by filing an appeal before the second respondent to delete the name of the petitioner from the records and to issue patta exclusively in his name. The second respondent, by order, dated 19.06.2018, had ordered issuance of the joint patta. Against this order directing the issuance of joint patta, both the petitioners had filed a revision before the first respondent and the first respondent had set aside the order of the second respondent, vide order, dated 27.04.2020 and directed the parties to approach the civil Court. Earlier, aggrieved by the order dated 27.04.2020, the petitioner in WP(MD) No.10359 of 2020 had approached this Hon'ble Court and obtained an interim order on 28.08.2020. Based on the interim order, the first respondent, vide impugned proceedings, dated 04.02.2021, had directed the inclusion of the name of the petitioner in WP(MD) No.10359 of 2020 in the patta along with petitioner in WP(MD) No.7646 of 2021. The said order



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including the name of the petitioner in WP(MD)No.10359 of 2020 is challenged by this petitioner in the present writ petition.

6. Heard the learned counsel appearing on either side.

7. There appears to be a serious contest with reference to the title to the property. Therefore, the first respondent has rightly directed the parties to approach the civil Court. This is very much in keeping with the provisions of Rule 4(4) of the Tamil Nadu Patta Pass Book Rules, 1987. The petitioner in WP(MD)No.10359 of 2020 has produced the documents, all of which registered, to show a semblance of right to the property in question. Therefore, no exception can be taken to the order, dated 04.02.2021, wherein the first respondent had directed the name of the petitioner in WP(MD)No.10359 of 2020 to be included in the patta, whereby the earlier order passed by the RDO, dated 19.06.2018, stand restored. Therefore, the challenge to the impugned order dated 27.04.2020 by the petitioner in WP(MD) No.10359 of 2020 with regard to the removal of his name in the joint patta has to necessarily be allowed. However, the direction to approach the Civil Court has to be



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sustained. Accordingly, the writ petition in W.P(MD) No.10359 of 2020 is partly allowed.

8. As regards the writ petition in W.P (MD) No.7646 of 2021, since there is a serious dispute with reference to the title, the same can only be settled by the civil Court. Therefore, I see no reason to interfere with the order, particularly when the petitioner has been able to show his possession of the property in question. Accordingly, W.P(MD) No.7646 of 2021 is dismissed. No costs. consequently, connected miscellaneous petitions are closed.

23.06.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

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P.T.ASHA, J.

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