



WP(MD)No.15648 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 24.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.15648 of 2014

and

MP(MD)No.1 of 2014

and

WMP(MD)No.6089 of 2023

Amalraj @ Lazer

... Petitioner

v.

1.The District Revenue Officer,
Sivagangai,
Sivagangai District.

2.M.Abraham

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari calling for the records of the impugned order passed by the first respondent in Pa.Mu.P4/20730/2013, dated 22.07.2014 and quash the same.



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For Petitioner : Mr.R.Balakrishnan

For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader
for R.1

No appearance for R.2

ORDER

As against the order passed by the District Revenue Officer cancelling the patta, the petitioner has preferred this writ petition.

2.Learned Counsel for the petitioner submitted that the properties in S.No.27/5 & 43/4 were originally vested with one Muthiah and it devolved to one Irudhayam and Maria Michael. The petitioner, Amalraj, is the son of Irudhayam and the second respondent, M.Abraham, is the son of Maria Michael. He further submitted that the second respondent has sold his shares and thereafter, the patta was mutated in the name of the petitioner. While so, the second respondent has directly preferred a revision before the District Revenue Officer, who has passed the order impugned cancelling the patta.



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WEB COP 3. There is no representation for the second respondent.

4. Learned Additional Government Pleader submitted that the petitioner has not produced any documents to substantiate his claim, whereas, on the other hand, the second respondent has produced necessary documents including the settlement register to substantiate his claim and based on the same, patta was issued in favour of the second respondent.

5. Considering the submissions made by the learned Counsel for the petitioner and the learned Additional Government Pleader, this Court feels that the petitioner is to work out his remedy by filing a suit before the competent civil Court. When there is a rival claim, neither the revenue officials nor this Court can decide the title over the property, in an proceeding initiated under the Patta Passbook Act.

6. In view of the same, granting liberty to the petitioner to file a suit before the competent civil Court for his remedy, this writ petition stands



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disposed of. No costs. Consequently, connected miscellaneous petitions stand

WEB closed.

Index : Yes / No
NCC : Yes / No
gk

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B.PUGALENDHI, J.

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