



WP(MD)No.2757 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 20.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.2757 of 2014
and
MP(MD)No.3 of 2014

1.D.Sundari Ammal

2.D.Devasagayam

3.D.Soundrabai

4.D.Selva Saroja

5.D.Nirmala Devi

... Petitioners

P.1 to P.5 are represented through their power agent,
B.Pandikumar

v.

1.The District Revenue Officer,
Tirunelveli District,
Tirunelveli.

2.The Revenue Divisional Officer,
Tirunelveli.



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3.The Tahsildar,
Palayamkottai Taluk,
Palayamkottai,
Tirunelveli – 2.

4.M.Lemina Jebakani

5.Raseetha

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari calling for the records relating to the impugned order passed by the first respondent in Ni.Mu.Aa.2.See.Ma.No. 22/2010 (Aa 2/26094/2010), dated 02.01.2013 and quash the same.

For Petitioners : Mr.V.Balaji

For Respondents : Mr.J.K.Jayaseelan,
Government Advocate
for R.1 to R.3

Ms.J.Roshini for R.4, R.5

ORDER

This writ petition is filed by the petitioner challenging the order passed by the first respondent dated 02.01.2013, in and by which, the first respondent directed the parties to approach the appropriate civil Court.



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WEB COP 2. The issue arises on the patta issued by the third respondent / Tahsildar in favour of the respondents 4 & 5. The Tahsildar granted patta to the respondents 4 & 5 based on a sale deed of the year 2007. As against the same, the petitioners preferred an appeal before the Revenue Divisional Officer, who, in turn, by order dated 25.03.2010 cancelled the orders passed by the Tahsildar. Aggrieved over the same, the respondents 4 & 5 have preferred a revision petition before the District Revenue Officer under the Patta Passbook Rules.

3. The petitioners claim title over the property through their father, one Dharmaraj Nadar. The respondents 4 & 5 claim title over the property through one Kalanganian Konar. Both parties claim title over the property through devolution of titles. Therefore, the District Revenue Officer has directed the parties to approach the civil Court to establish their rights and as against the same, the petitioners have preferred this writ petition.



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4. Rule 4(4) of the Patta Passbook Rules mandates the revenue officials to refer the matter to the civil Court, if there is any dispute with regard to the title of the property among two parties. This Court, in various decisions, has held that the revenue officials are not expected to take a decision on the title of the property, when there are disputes among the parties.

5. Therefore, this Court is not inclined to interfere with the orders passed by the District Revenue Officer. The parties are at liberty to approach the competent civil Court to establish their rights. However, till such time, the orders passed by the revenue officials granting patta shall be kept under abeyance.

Accordingly, this writ petition stands disposed of. No costs.
Consequently, connected miscellaneous petition is closed.

Index : Yes / No
NCC : Yes / No
gk

20.03.2023



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B.PUGALENDHI, J.

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