



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. (MD) No. 9958 of 2014

and

M.P. (MD) No. 2 of 2014

1. J.S.Leyronne Morais,
Proprietor of M/s.SEBCO Property Developers,
residing at 24D, Mahalakshmi Nagar,
K.K.Nagar,
Trichy - 21.

2. Raffal Raj (died)

3. Jesitha Jeyasheli

4. Joyse Rubaliya

5. Rex Kingsley
(Petitioners 3 to 5 are impleaded
vide order dated 05.04.2023 in
WMP (MD) No. 6936 of 2023)

... Petitioners

versus

1. The District Collector,
Tiruchirappalli.

2. The Revenue Divisional Officer,
Tiruchirappalli.

3. The Tahsildar,
Thiruverambur Taluk Office,
Thiruverambur,
Trichy - 13.

4. Maria Michael

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying this court for the issuance of Writ of Certiorari, to call for the records of the 2nd respondent in Na.Ka.A7.1927-2014 dated 02.06.2014 and quash the same.



For Petitioner : Mr.S.Rajasekar
For R1 to R3 : Mr.J.K.Jayaselan,
Government Advocate
For R4 : Mr.S.Sankar

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ORDER

This writ petition is filed as against the order dated 02.06.2014 passed by the second respondent/the Revenue Divisional Officer, Tiruchirappalli, cancelling the patta which stands in the name of the second petitioner and restoring the patta in the name of Savariammal, the mother of the second petitioner.

2. The case of the petitioners is that by way of an oral partition, the property of Savariammal was allotted to the second petitioner and the second petitioner had entered into an agreement with the first petitioner, who is the proprietor of M/s.SEBCO Property Developers, had developed the land in Survey No.2/2 of Gundur Village, Tiruverumbur Taluk, Trichy District. The 4th respondent, who is the son of one late Savarimuthu @ Mani, brother of the second petitioner, has raised certain objections and submitted a representation before the second respondent that patta has been wrongly entered in the name of the second petitioner. The second respondent, by impugned order dated 02.06.2014, has cancelled the patta, which was effected in the name of the second petitioner and restored the patta in favour of Savariammal. Aggrieved over that, the present writ petition has been filed.

3. The learned counsel appearing for the petitioners submits that a petition, originally submitted before the Tahsildar, Thiruverambur Taluk, was taken by the Revenue Divisional Officer, Tiruchirappalli and thereafter, the impugned order has been passed. He further submits that the first petitioner has also filed a Civil Suit in O.S.No.97 of 2014 before the Subordinate Court, Tiruchirappalli, challenging the notice of enquiry issued by the Tahsildar, Thiruverambur Taluk, wherein, an order of interim injunction was also granted by the Court restraining the respondent from proceeding with the enquiry notice. However, the official respondents have proceeded with the enquiry and also cancelled the patta. The Revenue Divisional Officer, Tiruchirappalli, has not issued any notice to the petitioners before passing the impugned order. Therefore, it is a clear violation of principles of natural justice.

4. The learned counsel appearing for the 4th respondent submits that the properties in Survey Nos.8/4B, 2/2 and 404/22A/2 originally belongs to one Savariammal. The said Savariammal has three sons, namely, Kulandaisamy, Raffal Raj, Savarimuthu @ Mani. The first petitioner has created a forged deed of power of



attorney of the second petitioner, that he is the sole legal heir of Savariammal, in favour of M/s.SEBCO Property Developers and the properties have been sold by the second petitioner to the first petitioner. Now, the first petitioner claims that the second petitioner got the property of Savariammal through a oral partition which took place between the legal heirs of Savariammal. In the settlement deed dated 19.08.2011, the first petitioner has also transferred Morais Citi Phase-I layout in favour of Gundur Panchayat, which shows as to how the document has been executed in a fraudulent manner and therefore, considering all these facts, the Revenue Divisional Officer, Tiruchirappalli, has cancelled the patta and there is no reason to interfere with the order.

5. The learned Government Advocate appearing for the respondents 1 to 3 submits that the 4th respondent has submitted a petition in the grievance day, which was forwarded by the District Collector, Tiruchirappalli, to the Revenue Divisional Officer, Tiruchirappalli, based on which, the impugned order has been passed. He further submits that the order of interim injunction granted by the Sub Court, Tiruchirappalli, in O.S.No.97 of 2014, has nothing to do with the proceedings of the Revenue Divisional Officer.

6. This Court considered the rival submissions and perused the materials available on record.

7. This writ petition is filed challenging the order of cancelling patta stand in the name of the second petitioner. As per Rule 4(4) of the Tamil Nadu Patta Pass Book Act 1983, when there is a dispute with regard to the title of the property between two parties, the Revenue authorities are not competent to take a decision on the title of the property and ought to have referred the parties to the Civil Court.

8. Since there is a dispute between the parties with regard to the title of the property, this Court, under Article 226 of Constitution of India, cannot conduct any roving enquiry with regard to the title of the property. The first petitioner shall work out his remedy in the suit filed in O.S.No.97 of 2014, which is pending before the Sub Court, Tiruchirappalli, by impleading all the legal heirs of Savariammal.

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

Sd/-

Assistant Registrar(AE)

// True Copy //

/07/2023

Sub Assistant Registrar(CS)



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To

1. The District Collector,
Tiruchirappalli.

2. The Revenue Divisional Officer,
Tiruchirappalli.

3. The Tahsildar,
Thiruverambur Taluk Office,
Thiruverambur,
Trichy - 13.

+1 CC to M/s.SPL.GP (SR-19895[F] dated 06/04/2023)

W.P. (MD) No.9958 of 2014

05.04.2023

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MK/10.07.2023 4P 5C