



WP(MD)No.2868 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.2868 of 2015
and
MP(MD)Nos.1 & 2 of 2015
and
WMP(MD)No.13766 of 2016

V.Balakrishnan

... Petitioner

v.

- 1.The District Revenue Officer,
Karur.
- 2.The Revenue Divisional Officer,
Karur.
- 3.The Deputy Tahsildar,
Karur.
- 4.V.Duraisamy (Died)
- 5.D.Dhanalakshmi
- 6.D.Shangar
- 7.D.Kannan



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8.Chandrasekar

9.T.Shanthi

10.G.Kashthuri

11.E.Sivagami

12.Anilkumar

... Respondents

[R.5 to R.11 impleaded vide order dated 22.04.2019]

[R.12 impleaded vide order dated 20.12.2022]

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 proceedings of the second respondent in Na.Ka.No.A2/2001/2014, dated 02.07.2014 and quash the same.

For Petitioner : Ms.AL.Gandhimathi
Senior Counsel
for Mr.N.Selvakumar

For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader
for R.1 to R.3

Mrs.N.Krishnaveni
Senior Counsel
for Mr.P.Dhanasekaran for R.12

No appearance for R.4 to R.11



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ORDER

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2.Learned Senior Counsel appearing for the petitioner, by relying upon the order passed by the Assistant Settlement Officer dated 10.07.1967, submitted that the lands in S.No.280 are Minor Inam Lands at Tanthoni Village, Karur Taluk and the Assistant Settlement Officer, after conducting enquiry u/s.11 of the Minor Inam Abolition Act, has granted patta in favour of one Ganapathy, Velayutham, Pitchaikaran and Subramanian, who are the sons of Subramaniya Moopan. Based on this Ryotwari patta, the petitioner purchased the properties from the sons of Subramaniya Moopan by registered sale deeds dated 03.01.1996, 01.03.1996, 05.06.2002, 13.12.2002 and 29.06.2005, to an extent of 5.3 acres.



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3. She further submitted that subsequent to the purchase, patta and chitta were also transferred in the name of the petitioner. While so, the second respondent, based on a representation of the fourth respondent dated 03.03.2014, has cancelled the patta, which was issued by the Assistant Settlement Officer in favour of the petitioner's vendors on 10.07.1967. The second respondent also directed to issue patta in favour of the fourth respondent, the vendor of the twelfth respondent. The ryotwari patta issued by the Assistant Settlement Officer cannot be cancelled by the Revenue Divisional Officer and the Revenue Divisional Officer is not having any jurisdiction to deal with this issue. Therefore, she prayed for appropriate orders.

4. Learned Senior Counsel appearing for the twelfth respondent submitted that the twelfth respondent has purchased the property from the fourth respondent, who is the original owner of the property. The fourth respondent is having a proper title over the property from the year 1926, however, the Assistant Settlement Officer, without any notice and without



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conducting any property enquiry u/s.11 of the Minor Inam Abolition Act, has passed an order granting patta. The Revenue Divisional Officer, after verifying all the records, has passed the order impugned, based on the title and therefore, the same need not be interfered with.

5.This Court paid it's anxious consideration to the submissions made by the respective parties and perused the available materials.

6.The order impugned in this writ petition was passed by the Revenue Divisional Officer cancelling the patta which stood in the name of the petitioner. The petitioner's vendors, namely, Ganapathi and others have been granted patta by the Assistant Settlement Officer on 10.07.1967 under the Minor Inam Abolition Act. It is a settled position that the Revenue Divisional Officer is not having any jurisdiction to pass any orders cancelling the patta, if any, granted by a Settlement Officer under the Minor Inam Abolition Act. Therefore, the order passed by the Revenue Divisional Officer deserves interference.



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7. At the same time, it is the contention of the twelfth respondent that his vendor, the fourth respondent, is having a clear title over the property since 1926. Though the Minor Inam Abolition Act prohibits any suit, the Hon'ble Supreme Court in *State of Tamil Nadu v. Ramalinga Samigal Mutt* [(1985) 4 SCC 10] has held that the civil Courts' jurisdiction to adjudicate on the real nature of the land is not ousted u/s.64C by reason of the Settlement Officer's decision to grant or refuse to grant a patta u/s.11 read with the proviso to Section 3(d) of the Act. In view of the same, this Court feels that the twelfth respondent is having a remedy before the competent civil Court.

8. Accordingly, this writ petition stands allowed and the impugned order dated 02.07.2014 passed by the second respondent, cancelling the patta which stood in the name of the petitioner, is hereby set aside. The twelfth respondent is at liberty to work out his remedy before the competent civil Court, as per the decision in *Ramalinga Samigal Mutt*'s case (supra) and establish his right by seeking a relief of declaration.



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9. The learned Senior Counsel appearing on either side gave an undertaking that the respective parties will co-operate for early disposal of the suit.

There shall be no order as to costs. Consequently, connected miscellaneous petitions stand closed.

Index : Yes / No
NCC : Yes / No
gk

16.03.2023

To

1. The District Revenue Officer,
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3. The Deputy Tahsildar,
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B.PUGALENDHI, J.

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