



W.P(MD)No.9608 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9608 of 2015

and

M.P.(MD)No.2 of 2015

1.Sahira Banu

2.Nisha Afrin

3.Fayaz Basha

4.Jeyabaskaran

5.Malathi

6.R.Srinivasan

7.K.Rajendran

8.M.Pandia Rajan

... Petitioners

Vs.

1.The Revenue Divisional Officer,
Collectorate Office,
Madurai.

2.The Tahsildar,
Madurai South.

3.J.S.Krishnan



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4.Kumar

5.Shanthi

6.Meena

7.Latha

8.Danam

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the 1st respondent in Na.Ka.No. 3034/2014/N dated 20.04.2015 quash the same and consequently direct the 1st respondent herein to transfer the patta to the petitioners 5 to 8 herein as per the provisions of Sec 5(3) of the Tamil Nadu Patta Pass Book Act.

For Petitioner : Mr.K.Srinivasa Raghavan

For Respondents : Mr.N.GA.Nataraj
Government Advocate for R1 & R2
: Mr.AJayaramachandran for R3

ORDER

Heard the learned counsel on either side.

2. The first petitioner herein traces her title from one Ramachandran Ambalam. She had in turn parceled the purchased land and sold to the other petitioners. The third respondent herein traces his title from Raju Ambalam father of the Ramachandran Ambalam. The third respondent's purchase appears



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to be earlier in point of time. In these circumstances, the jurisdictional Revenue Divisional Officer had passed an order in favour of the third respondent. Instead of filing revision or appeal before the District Revenue Officer, the petitioner has come before this Court.

3. Since there are competing title claims, it is only just and proper that petitioners shall establish their case before the jurisdictional civil Court. It would not be proper for the writ Court to test the correctness of the impugned order. Leaving open the rights and remedies of the respective parties, the writ petition is disposed of. Time spent in prosecuting the writ petition will stand excluded when the petitioners opt for alternative remedy. No costs. Consequently, connected miscellaneous petition is closed.

24.08.2023

Index : Yes / No
Internet : Yes/ No
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To

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