



W.A(MD)No.1485 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.09.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

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D.Ravaneeswaran

... Appellant

-VS-

1. The District Revenue Officer,
Collectorate,
Virudhunagar District.

2. The Sub Collector,
Sivakasi Taluk,
Virudhunagar District.

3. The Revenue Divisional Officer,
Sivakasi Taluk,
Virudhunagar District.

4. Sundaraj

5. Santhanakrishnan

6. Gurusamy

7. Govindaraj

... Respondents

PRAYER : Appeal filed under Clause 15 of Letters Patent, as
against the order dated 04.07.2023 made in W.P(MD)No.943 of 2022.



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For Appellant

: Mr.S.Nagarajan, Senior Counsel for

Mrs.Vijayakumari Natarajan

For R1 to R3

: Mr.J.Ashok

Additional Government Pleader

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J U D G M E N T

[Judgment of the Court was made by S.S.SUNDAR, J.]

The above appeal is directed against the order of the learned Single Judge dated 04.07.2023, dismissing the writ petition filed by the petitioner in W.P(MD)No.943 of 2022.

2. Brief facts that are necessary for disposal of this appeal are as follows:-

The petitioner claims ownership to an extent of 3 acres and 42 cents in Survey No.758, Thiruthangal Village, Sivakasi Taluk, Virudhunagar District. It is the case of the petitioner that the said property is now comprised in different sub divisions of Survey No.758. The petitioner traces his title to the said property through his father Duraisamy who got the said property on the basis of a registered release deed dated 02.06.1956 stated to have been executed by his brother one Balaiah. It is also the case of the petitioner that the property in Survey No.758 was originally purchased by one Naranappa



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Nayakkar in a court auction sale in E.P.No.357 of 1908 in O.S.No.135 of 1902 on the file of the District Munsif Court, Sattur. Stating that the said Naranappa Nayakkar and his brother by name, Srinivasan executed a sale deed dated 18.12.1911 in favour of one Muthu Thevar and on the basis of subsequent alienations, the petitioner claims title to the said property.

3. From the title document, this Court is not convinced as to the absolute title of the petitioner in respect of the property in Survey No.758. The petitioner relied upon a registered sale deed dated 18.12.1911 executed by one Srinivasa Nayakkar in favour of one Muthu Thevar. Even in the said sale deed, it is mentioned that the vendor claimed title to the property by virtue of court auction sale in favour of Naranappa Nayakkar. From the sale certificate, it is seen that a property in Survey No.758 measuring an extent of 3 acres and 42 cents of land was purchased by a person by name, Naranappa Nayakkar. Therefore, the title of one Srinivasan and the subsequent sale deed executed by the said Srinivasan raise several doubts as to the genuineness of the transactions.



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4. The fact that the petitioner has not produced any revenue record would show that the claim of the petitioner is very weak. Since the petitioner has not produced sufficient documents tracing his title under ryotwari settlement or on the basis of title deeds or a deed of conveyance from any one whose name was registered in the revenue records, the revenue officials had no other option, but to reject the petitioner's claim for grant of patta. The Revenue Divisional Officer by his proceedings dated 31.08.2020, rejected the representation of the petitioner for inclusion of his name in the joint patta as a joint pattadhar in respect of the lands in Survey Nos.758/2, 758/5, 758/6 and 758/7. The order of the Revenue Divisional Officer was confirmed by respondent No.1 by the order impugned in the writ petition.

5. The learned Single Judge has rightly held that the petitioner has not produced any supporting documents to substantiate his claim and that therefore, dismissed the writ petition, however, giving liberty to the petitioner to approach the competent civil court to establish his title over the properties. The findings of the learned Single Judge and the conclusions reached by the learned Single Judge are fair and unassailable.



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6. This Court finds no merit in this appeal and hence, the Writ Appeal is dismissed as devoid of merits. No costs.

[S.S.S.R, J.] [D.B.C., J.]
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Index : Yes / No
Neutral Citation : Yes / No
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