



W.P.(MD) No.13057 of 2016

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :28.03.2023

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.13057 of 2016
and
W.M.P. (MD) No.9847 of 2016

Bommakkal

... Petitioner

Vs.

1. The District Revenue Officer,
Karur District Collectorate, Karur.
2. The Revenue Divisional Officer,
O/o. Revenue Divisional Officer,
Kulithalai, Karur District.
3. The Tahsildar,
Kulithalai Taluk,
Kulithalai, Karur District.
4. Backiyaraj
5. Periya Bomma Naicker

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India



W.P.(MD) No.13057 of 2016

praying for issuance of Writ of Certiorari, calling for the records pertaining to the proceedings of the first respondent in Na.Ka.C3/1794/2014 dated 14.07.2016 and quash the same as illegal.

For Petitioner :Mr.P.Balasubramanian
For Respondents :Mr.S.Kameswaran
Government Advocate
for R1 to R3
Mr.K.Govindarajan for R4 and R5

ORDER

The petitioner assails an order dated 14.07.2016 of the first respondent. By such order, the first respondent restored the revenue records on the basis of the UDR records.

2. The petitioner states that his father, Thoppa Naicker, owned 2.10 acres in the survey numbers mentioned in paragraph 2 of the petition and that pattas were also issued in respect thereof. After his father's death, it is stated that Periya Bomma Naicker the petitioner's elder brother, the petitioner and his sister succeeded to the above mentioned lands. The petitioner further states that the patta was transferred to the name of his brother, Periya Bomma Naicker. The petitioner asserts that his brother left



W.P.(MD) No.13057 of 2016

the village in the year 1986 and that his whereabouts are not presently known.

3. In these circumstances, the petitioner states that he submitted a petition for mutation of patta before the third respondent and that the patta was transferred to his name. According to the petitioner, the fourth respondent, who also hails from the same village, conspired with the fifth respondent and impersonated the petitioner's elder brother. By submitting forged documents, it is stated that respondents 4 and 5 also created a false sale deed in respect of the property. Thereafter, the fourth respondent presented an application for transfer of patta and the patta was mutated in favour of the fourth respondent on 07.11.2012. Hence, the petitioner submitted an application for cancellation of the said patta. Based on such application, an order of cancellation was issued by the third respondent on 24.12.2012. The said order of cancellation was challenged before the second respondent. Upon conducting a detailed enquiry, the petitioner states that the second respondent dismissed the appeal filed by the fourth respondent. The said dismissal order was challenged by way of revision before the first



W.P.(MD) No.13057 of 2016

respondent. The order of the first respondent is impugned in the present writ petition.

4. Learned counsel for the petitioner submits that patta was issued in favour of the fourth respondent on 07.12.2012 on the basis of forged documents and by impersonating the brother of the petitioner, whose whereabouts are currently not known. Therefore, learned counsel contends that the order of the Tahsildar, as affirmed by the Revenue Divisional Officer, should not have been interfered with by the first respondent.

5. In response, learned Government Advocate submits that the title dispute between the petitioner and respondents 4 and 5 should be resolved by a civil court. He further submits that the first respondent merely restored the status as per the UDR and that, therefore, no interference is warranted with the impugned order.

6. Upon examining the impugned order, I find that the order has been issued after considering the documents presented by the review



W.P.(MD) No.13057 of 2016

petitioner and the counter parties. The submissions of the respective parties have also been duly noticed. Thereafter, the first respondent has taken into account the fact that the UDR records reflect the name of Periya Bomma Naicker. The first respondent also noticed that the patta was mutated in 1988, 2012 and 2013 on the basis of applications submitted either by the petitioner or by respondents 4 and 5. In such circumstances, the first respondent restored the revenue records in consonance with the UDR records.

7. While the petitioner asserts that respondents 4 and 5 impersonated his elder brother and created forged documents, the said assertions are refuted by the private parties. The revenue authorities are not empowered to decide such disputed questions relating to ownership of property or disputes as to whether the fifth respondent is the elder brother of the petitioner. After noticing that the patta had been mutated multiple times based on the applications submitted by the rival parties, the first respondent restored the record to the status as per the UDR. Since the order of the first respondent is not in favour of either the petitioner or respondents 4 and 5



W.P.(MD) No.13057 of 2016

WEB COPY

herein and directs the parties to approach the jurisdictional civil court for adjudication of their title disputes, I am of the view that no interference is called for with the order impugned herein.

8. For the reasons set out above, W.P.(MD) No.13057 of 2016 is disposed of by leaving it open to the petitioner to institute appropriate proceedings before the jurisdictional civil court. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

28.03.2023

NCC :No
Internet :Yes
Index :No
PKN



W.P.(MD) No.13057 of 2016

WEB COPY

To

1. The District Revenue Officer,
Karur District Collectorate, Karur.
2. The Revenue Divisional Officer,
O/o. Revenue Divisional Officer,
Kulithalai, Karur District.
3. The Tahsildar,
Kulithalai Taluk,
Kulithalai, Karur District.



WEB COPY



W.P.(MD) No.13057 of 2016

SENTHILKUMAR RAMAMOORTHY, J.

PKN

W.P.(MD)No.13057 of 2016

28.03.2023