



W.P(MD)No.1575 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.1575 of 2016 and
WMP(MD) No.1339 of 2016

Ramakrishnan

...Petitioner

Vs.

1.State of Tamilnadu
Rep by its Secretary,
Revenue Department,
St.George Fort,
Chennai.

2.The Commissioner of Land Administration,
Ezhilagam,
Chepauk,
Chennai.

3.The District Revenue Officer,
Madurai District.

4.The Revenue Divisional Officer,
Madurai,
Madurai District.

5.Balasubramanian
Through his power agent,
K.Shanmugasundaram.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st and 2nd respondent to withdraw the proceedings in Na.Ka.No. 67430/2010 from the file of the 3rd respondent and to transfer the same to any other District Revenue Officer of nearer District, for disposing the same in accordance with law.

For Petitioner :Mr.R.Surya Narayanan
For Respondents :Mr.A.Kannan
Additional Government Pleader

ORDER

This writ petition is filed for a Mandamus, directing the 1st and 2nd respondents to withdraw the proceedings in Na.Ka.No. 67430/2010 from the file of the 3rd respondent and to transfer the same to any other District Revenue Officer.

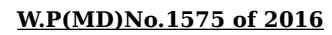
2.The case of the petitioner is that a land measuring 1 Acre 60 cents comprised in S.No.44/2B and S.No.56/1A in Tamaraipatti Village, Madurai North Taluk is a joint property of the



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petitioner and his brothers. Originally, the above property was purchased by the petitioner's father, namely, Periakaruppan on 06.06.1969. According to the petitioner, on the instigation of the fifth respondent that he will arrange for a loan of Rs.1 Crore, the petitioner's father executed a sale deed dated 25.07.2001 in favour of the fifth respondent. When the fifth respondent failed to arrange the loan amount, the petitioner's father made efforts for cancellation of the said sale deed. The efforts taken by the petitioner's father ended in vain. Subsequently, the petitioner's father died on 08.07.2003. Based on the complaint given by the petitioner's father, the fourth respondent conducted an enquiry and dismissed the petition since it involved a civil dispute. Challenging the same, the fifth respondent filed a revision in Na.Ka.No.67430/2010, before the third respondent, wherein, the petitioner and his brothers filed their reply and it was posted for orders on 27.01.2016. According to the petitioner, the fifth respondent's agent propagated in their village that he will succeed in the revision as he already influenced the third respondent. Hence, the petitioner, under the apprehension that the



3.As per Rule 14 of the Tamil Nadu Patta Pass Book Rule, 1987, in the event that there is any dispute already pending and if the parties interested do not agree on the ownership in right, the revenue authorities are expected to refer the parties before the competent Civil Court having jurisdiction before changing the entries already recorded.

4. It appears that already some dispute are there with regard to the property. This Court is of the view that if the petitioner is not having any faith in the revenue authorities, the petitioner can work out his remedy before the competent Civil Court. This kind of relief sought for in this writ petition cannot be granted by this Court.



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5. Accordingly, this writ petition is dismissed. The petitioner is at liberty to approach the competent Civil Court for redressing his grievance. No costs. Consequently, connected Miscellaneous Petition is closed.

10.02.2023

Index: Yes
Internet: Yes
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To

1. The Secretary,
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Chennai.
2. The Commissioner of Land Administration,
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Chepauk,
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3. The District Revenue Officer,
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B.PUGALENDHI, J.

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Order made in
W.P(MD)No.1575 of 2016 and
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10.02.2023