



W.P.(MD).No.21006 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2023

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD).No.21006 of 2016

R.Ramadoss

... Petitioner

Vs.

1.The District Revenue Officer,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Sivagangai Revenue Division,
Sivagangai District.

3.V.Ramachandran (Died)

4.Annakodi

5.Chelladurai

6.Vallimayil

7.Veerasangumuthu

8.Alaguraman

9.Nagakani

10.Nagarathinam



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11.Vijayakumari

...Respondents

(R-6 to R-11 are legal representatives of the deceased 3rd respondent, who are brought on record vide Court order dated 25.04.2017 in W.M.P.(MD).No.3143 of 2017 in W.P.(MD).No.21006 of 2016)

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 of the impugned order passed by the 1st Respondent in Na.Ka. B1/11285/2014 dated 20.08.2016 and quash the same as illegal and allow the revision filed by the petitioner and consequently direct the respondents 1 and 2 to cancel the patta issued in the name of the respondents 3 to 5 and issue patta in the name of the petitioner in S.Nos.429/10 and 429/12 in Muthuvanthidal Village, Melachorikkulam Revenue Pirka.

For Petitioner	: Mr.K.C.Ramalingam
For R-1 and R-2	: Mr.V.Om Prakash, Government Advocate.
For R-4	: No appearance
For R-6 to R-11	: Mr.J.John

ORDER

The Writ Petition has been filed challenging the order passed by the first respondent in Na.Ka.B1/11285/2014 dated 20.08.2016 and to allow the revision filed by the petitioner and consequently direct the respondents 1 and 2



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to cancel the patta issued in the name of the respondents 3 to 5 and issue patta in the name of the petitioner in S.Nos.429/10 and 429/12 in Muthuvanthidal Village, Melachorikkulam Revenue Pirka.

2. The case of the petitioner is that the land in Survey Nos.429/10 and 429/12 are classified as Natham land and is in possession of the petitioner's family for a very long time. During the year 2014, it came to the knowledge of the petitioner that patta has been issued for the said lands in favour of the third and fourth respondents. Hence, he had approached the District Revenue Officer/the first respondent herein seeking to redress his grievance. However, the first respondent, by the impugned proceedings dated 20.08.2016, had rejected the claim of the petitioner and had directed him to approach the appropriate Civil Court, if he is aggrieved against the said order.

3. The learned counsel for the petitioner would submit that the first respondent had not considered the case of the petitioner on merits and had rejected his claim on the ground of limitation stating that he has approached the authority after a period of 14 years. Hence, he would seek interference with the order passed by the first respondent.



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4. Mr.V.Om Prakash, learned Government Advocate appearing for the respondents 1 and 2 would submit that the third and fourth respondents were granted patta based upon the Natham settlement proceedings conducted in the year 1999. The petitioner had not approached the authorities within the prescribed time limit and therefore, his claim is time barred.

5. I have carefully considered the rival submissions made on either side.

6. At the outset, this is a dispute claiming title to a property, which is classified as Natham lands. The Hon'ble Division Bench of this Court in a judgment in the case of ***Kuppuswami Nainar Vs. The District Revenue Officer, Thiruvannamalai and others*** reported in (1995) 1 MLJ 426, has held as follows:

“4. Now the question for consideration is, having regard to the fact that the District Revenue Officer has expressed his opinion on the question of title whether the order under question should be interfered with. It may be pointed out here that in a petition under Article 226 of the Constitution the question of title regarding immovable property cannot properly be gone into, because a mass of evidence may be required for adjudicating the question of title. Even



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if we are to interfere with the order under appeal, it is the other party, who has to go to a civil Court and establish title. As far as the exercise of jurisdiction under Article 226 of the Constitution is concerned, it does not matter to it whether 'A' party goes to civil Court or 'B' party. Therefore, we are of the view that the question of title has to be decided by the civil Court, without reference to the order under question. Hence, we decline to interfere with the order challenged in the Writ Petition. However, we make it clear that in the event a suit for declaration of title and for appropriate consequential relief is filed, the civil Court shall decide such a suit, without reference to the findings recorded by respondents 1 and 2 in the impugned orders, but only on the basis of the pleadings of the parties and evidence adduced by them before it. We also make it clear that any opinion expressed by the learned Single Judge, contrary to what we have stated above, stand modified accordingly. With these observations, the Writ Appeal is dismissed. Consequently C.M.P. No. 15872 of 1994 filed along with the appeal is also dismissed."

7. In view of the aforesaid categorical ratio laid down by the Hon'ble Division Bench of this Court, I am not inclined to enter into the dispute that has been raised by the learned counsel for the petitioner and the respondents. It is for the parties to approach the Civil Court seeking appropriate relief to redress



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their grievances. In fine, the Writ Petition is dismissed. However, the petitioner is granted liberty to approach the Civil Court to redress his grievance.

There shall be no order as to costs.

09.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm

To

- 1.The District Revenue Officer,
Sivagangai District,
Sivagangai.
- 2.The Revenue Divisional Officer,
Sivagangai Revenue Division,
Sivagangai District.



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K.KUMARESH BABU, J.

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