



W.P(MD)No.8311 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.8311 of 2016 and
WMP(MD) Nos.6733 & 6734 of 2016

1.L.N.K.N.Krishnan

2.N.Lakshmanan

...Petitioners

Vs.

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

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

3.The Tahsildar,
Karaikudi, Sivagangagi District.

4.C.Nachiappan

5.SK MPL.Palaniappan

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in Na.Ka.(B1) 5508/2015, dated 04.03.2016, in respect of lands in Survey No.181/10 situated in Ariyakkudi Village, Karaikudi Taluk,



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Sivagangai and quash the same and consequently direct the first respondent to pass appropriate orders within the time limit fixed by this Court.

For Petitioner :Mr.V.R.Shanmuganathan
For R1 to R3 :Mr.A.Kannan
Additional Government Pleader
For R4 & R5 :Mr.S.M.Ananda Murugan

ORDER

This writ petition is filed as against the orders of the District Revenue Officer in Na.Ka.(B1) 5508/2015, dated 04.03.2016, in and by which, the District Revenue Officer, Sivagangai, on the revision petition filed by the respondents 4 & 5 has set aside the orders passed by the Revenue Divisional Officer, Devakottai District, dated 13.10.1998.

2.The learned counsel appearing for the petitioners submits that the petitioners, in order to rectify the wrong entries made during UDR Survey has approached the second respondent for change of patta, for the Survey No.181/9 and 181/10, measuring 0.28.0 Ares, situated in Ariyakkudi Village, Karaikudi Taluk, Sivagangai District, which was considered by the second respondent



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and joint patta was also granted in favour of the petitioners. Thereafter, the petitioners have jointly executed a registered power of attorney in favour of one Tamilmani S/o Muniyandi. On the basis of the power of attorney, the said Tamilmani subdivided the property into plots and sold to various persons. At this juncture, the fourth and fifth respondents have filed an appeal before the second respondent claiming that the above properties are belonging to their ancestors and on instructions of the second respondent, they have approached the first respondent by way of a revision. The first respondent/the District Revenue Officer, Sivagangai has cancelled the patta granted in favour of these petitioners and directed the parties to approach the appropriate Civil Court to resolve their issue. Aggrieved over the same, the present writ petition is filed.

3.The learned counsel appearing for the petitioners further submits that the District Revenue Officer has passed the impugned order without any notice to the petitioners and without affording sufficient opportunity to them. The petitioners were



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granted patta after conducting an enquiry by the Tahsildar, which has also been confirmed by the Revenue Divisional Officer. While so, the first respondent District Revenue Officer has unilaterally set aside the order passed by the Revenue Divisional Officer, without affording any opportunity to the petitioners.

4.The learned Additional Government Pleader appearing for the official respondents submits that since the dispute is civil in nature, the District Revenue Officer has rightly set aside the order and directed the parties to work out their remedy before the appropriate Civil Court. The petitioners also appeared in the proceedings of the District Revenue Officer and has also filed counter affidavit. Therefore, the stand taken by the learned counsel for the petitioners that no opportunity was given to the petitioners is not at all acceptable as the impugned order has been passed after affording opportunity to the petitioners. Hence, there is no reason to interfere with the order impugned in this writ petition.



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5.This Court considered the rival submissions made and also perused the materials placed on record.

6.Initially, a joint patta was issued by the second respondent in favour of the petitioners for the property in Survey No.181/9 and 181/10, measuring 0.28.0 Ares, situated in Ariyakkudi Village, Karaikudi Taluk, Sivagangai District, while rectifying the wrong entries made during UDR survey. On the basis of the joint patta, the petitioners have jointly executed a registered power of attorney in favour of one Tamilmani S/o Muniyandi and the said Tamilmani subdivided the property into plots and sold the same to various persons. Thereafter, the fourth and fifth respondents claimed that the above properties are belonging to their ancestors and filed a revision before the second respondent challenging the joint patta granted in favour of the petitioners. The second respondent has referred the issue to the first respondent. In turn, the first respondent has passed the impugned order cancelling the patta granted in favour of the petitioners and directed the parties to approach the competent



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Civil Court. The order of the first respondent is under challenge in this writ petition.

7.The grievance of the petitioners is that the orders granting patta in favour of the petitioners by the Revenue Divisional Officer has been unilaterally set aside by the District Revenue Officer even without providing an opportunity to the petitioners. However, from the submissions made by the learned Additional Government Pleader, it is revealed that these petitioners also appeared for the enquiry conducted in the revision and they have also filed a counter affidavit. It is to be noted that the joint patta granted in favour of the petitioners is based on the possession alone. Therefore, this Court is of the view that there is no reasons to interfere with the orders of the first respondent.

8.Moreover, as per Rule 4(4) of Patta Pass Book Act, if there is any dispute between the parties regarding the ownership of the property, the Revenue authorities are not competent to pass any



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orders on grant of patta. The parties have to work out their remedy only before the competent Civil Court. Therefore, this Court is not inclined to interfere with the directions of the District Revenue Officer directing the parties to work out their remedy before the competent civil Court.

9. In view of the above, this writ petition is dismissed. However, a liberty is granted to the petitioners to work out their remedy before the competent Civil court. No costs. Consequently, connected Miscellaneous Petitions are closed.

16.02.2023

NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.
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