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WP.No.13005 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2024

CORAM

**THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR**

**WP.No.13005 of 2024 & WMP.No.14157 of 2024**

S.R.M.Ramaswamy

.. Petitioner

Versus

1. The Revenue Divisional Officer,  
Revenue Divisional Office,  
Udayarpalayam – 621 804, Ariyalur District.

2. The Tahsildar,  
Taluk Office,  
Yayankondam – 621 802, Ariyalur District.

3. Mariyappan

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for records Reliability to the proceeding of the second Respondent in his proceeding No. Na.Ka. Aa- 1/ 11316/ 2014 dated 07.06.2015 and quash the same consequently directing the second Respondent to issue fresh Patta in favour of the petitioner.

For Petitioner : Mr.A.Muruganandam

For Respondents : Mr.P.Sathish  
Additional Government Pleader – R1 & R2



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## **ORDER**

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With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition is filed to quash the impugned proceeding of the second Respondent in his proceeding No.Na.Ka. Aa-1/11316/ 2014 dated 07.06.2015 and quash the same consequently directing the second Respondent to issue fresh Patta in favour of the petitioner.

3. Heard learned counsel for the petitioner and the learned Additional Government Pleader appearing for the first and second respondents and perused the materials available on record.

4. It is the case of the writ petitioner that the subject property has been originally purchased by the father of the petitioner in the year 1970 and the father of the petitioner died on 01.09.1990. The petitioner, being the only legal heir has approached the second respondent for transfer of patta by way of a representation dated 26.08.2014. As the second respondent has not considered the representation of the petitioner, he filed a Writ Petition in

WP.No.24082 of 2014 and this Court by an Order dated 05.09.2014 directed



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the second respondent to consider the representation of the petitioner and pass Order on its own merits. However, the second respondent issued patta in favour of the third respondent. On the basis of the patta, the third respondent is trying to encroach upon the property of the petitioner. In this regard a criminal case is also pending. Thereafter, the petitioner has given a fresh representation to the second respondent 29.06.2023 for issuance of the patta in favour of the petitioner. However, the same has not been considered till date. Hence, the present Writ petition.

5. A perusal of the records indicate that patta has been issued in favour of the third respondent and Orders have been passed by the Tahsildar on 07.06.2015 rejecting the claim of the petitioner. Now, the Writ Petition has been filed after a period of 8 years. The Order of the Tahsildar indicate that the property is a Government property and there is a sale deed executed in favour of third party and third respondent is also in possession of the property. Considering the positive finding recorded by the revenue authorities, it is for the petitioner to seek proper remedy for declaration before a Civil Court, since patta has been issued in favour of the third respondent. In such view of the matter, this Court is of the view that disputed facts cannot be gone into in a Writ Petition. It is for the petitioner to seek his remedy by



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approaching the Civil Court. Hence, I do not find any merits in this Writ

Petition.

6. Accordingly, this Writ Petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

**06.06.2024**

vrc

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

To,

1. The Revenue Divisional Officer,  
Revenue Divisional Office,  
Udayarpalayam – 621 804, Ariyalur District.

2. The Tahsildar,  
Taluk Office,  
Yayankondam – 621 802, Ariyalur District.



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**N. SATHISH KUMAR, J.**

vrc

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**06.06.2024**