



W.P.No.7112 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.7112 of 2018
and
W.M.P.No.8808 of 2018

1.Baby
2.Mallika
3.Rani
4.Jothilakshmi
5.Dhanushkodi
6.Sivakumar

... Petitioners

Vs.

1.The District Revenue Officer,
Erode District.

2.The Sub Collector,
Gobichettipalayam,
Erode District.

3.The Tahsildar,
Gobichettipalayam,
Erode District.

4.Geetha

... Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to Na.Ka.No.13354/F2 dated 18.12.2017 and thereby confirming the order of the Revenue Divisional Officer in Na.Ka.No.584, dated 20.04.2017 and quash the same as null and void.

For Petitioners : Mr.A.Loba Mudhra

For Respondents : Mr.P.Gurunathan
Additional Government Pleader
for R1 to R3

Mr.P.Sudhakar for R4

ORDER

This Writ Petition has been filed challenging the impugned order cancelling the patta issued in the name of the petitioner by the Tahsildar.

2.The case of the Writ Petitioner is that the petitioner is the owner of the property, pursuant to the Settlement Deed dated 15.07.2016. Based on the said Settlement Deed, patta has been changed in his name, however, the order has been cancelled by the Revenue Divisional Officer.



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W.P.No.7112 of 2016

3.The learned counsel for the petitioners would submit that the respondents have in fact gone to the title of the petitioners. He would submit that in the event, the petitioners approach the Civil Court, the finding is not binding on the Civil Court.

4.On perusal of the entire impugned order, the impugned order passed on the basis of the criminal complaint in respect of the document is pending investigation. That apart, the original owner who purchased the property, said to have been died in the year 1977. Thereafter, the Settlement Deed is said to have been executed 15.07.2016.

5.In such view of the matter, this Court is not inclined to interfere with the order for removing the name of the petitioners. However, it is made clear that it is for the writ petitioner to establish his right in a Civil Suit. If any suit is filed, the right has to be decided independently. The finding recorded by the Revenue Authorities shall not bind on the Civil Court.



W.P.No.7112 of 2016

With this observation, this Writ Petition is disposed of. No costs.

Consequently, connected Miscellaneous Petition is closed.

12.04.2024

Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No
mps

To

1.The District Revenue Officer,
Erode District.

2.The Sub Collector,
Gobichettipalayam,
Erode District.

3.The Tahsildar,
Gobichettipalayam,
Erode District.



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N. SATHISH KUMAR, J.

mps

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