



WEB COPY

W.P. No.3759 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.3759 of 2024 and

W.M.P. No.4069 of 2024

Subramani

... Petitioner

Vs.

1. The District Revenue Officer

Kallakurichi

2. The Revenue Divisional Officer

Office of Revenue Divisional Officer

Kallakurichi

3. The Tahsildar

Office of Tahsildar, Kallakurichi

4. Kumar

..... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Certiorari to call for the records with respect of the impugned order passed by the 1st respondent in his proceedings dated 29.01.2024 in Pa.Mu.A3/74218/2023 and quash the same.

For Petitioner : Mr.R.Nalliyappan

For R1 to R3 : Mr.T.Arun Kumar

Additional Government Pleader

**ORDER**

This Writ Petition is filed seeking to issue a Writ of Certiorari to call for the records with respect of the impugned order passed by the 1st respondent in his proceedings dated 29.01.2024 in Pa.Mu.A3/74218/2023 and quash the same.

2. The contention of the petitioner is that the property comprised in S.F.No.67/4B of an extent of 0.45 acre, S.No.67/5 of an extent of 2.72 acres and 66/3C to an extent of 1.31 Acres were originally assigned by the Government in favour of one Govindasamy in proceedings in DKT No.103/66. Subsequently, the said Govindasamy sold the property comprised in SF No.67/4B along with other property in favour of the father of the petitioner, namely Rangasamy, vide registered sale deed in Document No.3322 of 1965, dated 11.12.1965 on the file of the SRO, Chinna Salem. Subsequently, the petitioner derived 21 cents in SF.No.67/4B by way of family partition, registered as Document No.2670 of 2015 dated 06.07.2015 on the file of the SRO, Chinna Salem. The 4th respondent who is the adjacent land owner having property in SF No.67/4A, in order to grab the property of



the petitioner, the 4th respondent seems to have made an application before the 2nd respondent requesting to cancel the sub-division of SF.No.67/4B and the Patta stands in the name of the petitioner stating that the petitioner subdivided SF.No.67/4A with the help of Revenue officials and after subdivision, 0.08.5' ares extent of the property in SF.No.67/4A has been placed in SF No.67/4B in the name of the petitioner herein. The 2nd respondent, without conducting field inspection and surveying the property, proposed the 1st respondent to cancel the Patta that stands in the name of the petitioner in S.F.No.67/4B, based on which, the 1st respondent, without conducting any enquiry, has mechanically canceled the Patta stands in the name of the petitioner by proceedings dated 29.01.2024. Hence, the present Writ Petition is filed challenging the same.

3. Mr.T.Arun Kumar, learned Additional Government Pleader takes notice for the respondents 1 to 3. Since no adverse order is being passed against the 4th respondent, notice to the 4th respondent is dispensed with.

4. It is seen from the records that the Patta stands in the name of one person and the possession is with another person. The petitioner himself



admitted that during UDR proceedings, Patta was changed. The UDR is only in the year 1984. But, the petitioner has not approached the revenue authorities to rectify the same and for more than 40 years, the Patta stands in the name of the other person.

5. Under the above said circumstances, the petitioner is directed to work out his remedy before the Civil Court in the manner known to law by establishing his title and possession, since neither the Revenue Authority nor the Writ Court can conduct rowing enquiry in the Civil dispute.

6. With the above observations, this Writ Petition is disposed of at the admission stage itself. There shall be no order as to costs.

19.02.2024

ksa-2

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



To

1. The District Revenue Officer
Kallakurichi

2. The Revenue Divisional Officer
Office of Revenue Divisional Officer
Kallakurichi

3. The Tahsildar
Office of Tahsildar
Kallakurichi



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P.VELMURUGAN. J.

Ksa-2

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