



W.P.No.9055 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.9055 of 2015

and

M.P.No.1 of 2015

Muthusamy

... Petitioner

Vs.

1. The District Collector,
Collectorate, Perundurai Road,
Erode District,
Erode – 638 011.

2. The District Revenue Officer,
Collectorate,
Erode District,
Erode – 638 011.

3. The Tahsildar,
Erode Taluk,
Erode.

4. Karuppanna Gounder

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the second respondent in Na.Ka.No.40388/2012/Vu4 dated 23.07.2013 and the subsequent communication dated 10.03.2015 in Moo.Mu.24161/2013/Vu1 and quash the same as illegal, arbitrary and against the facts of the case and further direct the second respondent to look into this matter afresh and decide the issue on merits.

For Petitioner : Mr.K.Soundararajan

For R1 to R3 : Mr.T.Arunkumar
Additional Government Pleader

For R4 : Mr.T.Gowthaman, Senior Advocate
for Mr.B.Pachaiyappan

ORDER

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the second respondent in Na.Ka.No.40388/2012/Vu4 dated 23.07.2013 and the subsequent communication dated 10.03.2015 in Moo.Mu.24161/2013/Vu1 and quash the same as illegal, arbitrary and



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against the facts of the case and further direct the second respondent to look into this matter afresh and decide the issue on merits.

2. Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the official respondents and the learned counsel for the private respondent and perused the materials available on record.

3. It is the contention of the learned counsel for the petitioner that the private respondent/R4 had made a complaint before the second respondent during the grievance day on 26.11.2012 and requested the second respondent to delete the petitioner's name from the Patta Nos.910 and 1182. The second respondent has taken the complaint on file in EA/12/10648 and conducted the enquiry and passed the impugned order by cancelling the patta issued in the name of the petitioner. Subsequently the petitioner has filed the revision before the first respondent to set aside the impugned order passed by the second respondent. The first respondent forwarded the revision petition to the second respondent, in



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which the second respondent issued notice on 24.06.2014 and 17.12.2014. Further without conducting any enquiry, the second respondent passed the impugned communication on 10.03.2015.

4. On a perusal of the records, it is found that all the proceedings were issued by one and the same person. Since the petitioner is not able to prove the genealogy by producing the necessary documents, either the Revenue Court or the Writ Court cannot decide the matter. Since it is a dispute regarding title, the Writ Court cannot conduct a roving enquiry and find out the correctness based on the right and interest over the suit property. The competent court is a Civil Court which can testify the veracity of the pleadings and the documents by way of oral and documentary evidence. However, the petitioner is at liberty to approach the Civil Court to work out his remedy in the manner known to law.

5. With the abovesaid direction, the Writ Petition is disposed of.



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There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

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P.VELMURUGAN, J.

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