IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.01.2024

CORAM:

THE HON'BLE MR. JUSTICE S. VAIDYANATHAN
and
THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.A. No.97 of 2024

Venkataraman ... Appellant

v

1 The Government of Tamil Nadu
represented by the Revenue Department
Fort St. George
Chennai 600 009

2 The District Revenue Officer
Dharmapuri District
Dharmapuri

3 The Tahsildar
Tenkeni Kottai Taluk
Krishnagiri District

4 Nanjundan ... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent challenging the order dated 18.11.2022 passed in W.P. No.19763 of 2017.

For appellant Ms. Priya V.B. Shetta

For RR 1 to 3 Mr. P. Anandakumar
Government Advocate

JUDGMENT
(delivered by K. **RAJASEKAR, J.**)

For the sake of clarity, the parties will be adverted to as per their rank in this writ appeal.

2 The facts leading to the filing of this writ appeal could be stated thus:

2.1 The land in S.No.222/11 to an extent of 1.55 acres in Soodanur Village, Palacode Taluk, was assessed in the name of two persons, *viz*, Pandaram and Perumal in Patta No.241 in the year 1954. Subsequently, Perumal, after getting patta in his name, conveyed 75 cents of the land in favour of one Muniappan and after the demise of Muniappan, his legal heirs conveyed the property to one Muthu in 2008, who, in turn, conveyed the property in favour of the appellant and his son in 2014. The appellant even got patta in his name for the said property.

2.2 While so, the fourth respondent, preferred an appeal before the second respondent seeking cancellation of patta issued to the appellant and issuance of patta in his name, on the ground that his (fourth respondent's) father purchased the property from one Chinnappa Mudaliar in 1973 and by way of partition, the property came to him (fourth respondent) and as such, he is the owner of the property.

2.3 The second respondent, on the ground that the fourth respondent's ancestors were having title deed from the year 1973 onwards, whereas, the appellant's ancestors were having title only from 1982, cancelled the sub-division made in the name of the appellant and restored patta *vide* proceedings dated nil.06.2017 in the name of the fourth respondent.

2.4 The aforesaid proceeding was put to challenge by the appellant in the writ petition, wherein, the Single Bench, finding that the fourth respondent's suit in O.S. No.80 of 2022 is pending before the Sub Court, Palacode, *vide* order dated 18.11.2022, dismissed the writ petition directing the appellant and the fourth respondent to canvass all the points before the Civil Court.

2.5 Calling into question the legality and validity of the aforesaid order passed by the Single Bench, this writ appeal has been preferred.

3 The learned counsel for the appellant submitted that the Revenue officials have no authority to decide the title to the property and in the patta proceedings, they are not entitled to give any finding *qua* title to the property. In support of her contention that the appellant is the valid title holder to the property, she placed reliance on "A" register and patta issued in favour of the appellant's ancestors.

4 We have heard the learned counsel for the appellant and perused the materials available on record.

5 On a perusal of the proceedings of the second respondent impugned in the writ petition, it is clear that the second respondent has considered the "A" register produced on the side of the appellant. In the said proceedings, it is also recorded that in document no.964/1973, the names of seven persons, including the name of the fourth respondent, have been entered and patta has been issued in Patta No.604 for the land in S.No.222/11 for an extent of 0.62.5 hectares. Further,the sale deed executed by Chinnappa Mudaliar in favour of Chinnappa Naidu @ Krishna Naidu, who is the fourth respondent's father, has also weighed in the mind of the second respondent, while passing the said proceedings.

6 The sheet anchor submission of the learned counsel for the appellant is that the appellant's ancestors had purchased the property as per sale deed no.50 of 1982 from one Perumal. But, be it noted, the second respondent, in the proceedings impugned in the writ petition, has not decided the title to the property. The second respondent has only stated that since the title deed of the fourth respondent and others is of the year 1973, prior to that of the appellant which is of the year 1982, the sub-division made without considering the earlier title deed, is not legal. In other words, the second respondent has merely cancelled the sub-

division made in the name of the appellant and restored it in the name of the fourth respondent and he has not rendered any decision qua the title to the property. Further, it will not be out of place to say that patta is not a document reflecting title.

7 The Single Bench, on considering the rival submissions, has directed the appellant and the fourth respondent to agitate their case before the Civil Court, where, the suit in O.S. No. 80 of 2022 filed by the fourth respondent, presumably seeking title, is under consideration and we find no reason to interfere with the said order passed by the Single Bench. As has been rightly directed by the Single Bench, the parties are at liberty to canvass all their points before the Civil Court.

This writ appeal stands dismissed with the above observation. Costs made easy.

(S.V.N., J.) (K.R.S., J.)
18.01.2024

cad

S. VAIDYANATHAN, J.

and

K. RAJASEKAR, J.

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To

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Dharmapuri District
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