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WA No.2342 of 2024

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

W.A.No. 2342 of 2024
and
C.M.P.No. 16472 of 2024

S.Ananthan

...Appellant

Vs.

1.The District Revenue Officer,
Chennai Collectrate,
Rajaji Salai, Chennai - 600 001.

2.The Revenue Divisional Officer,
Chennai Central Division,
Park Road, Chennai.

3.The Tahsildar,
Ambattur Taluk Office,
Ambattur, Chennai - 600 059.

4.Devadoss V.N.

...Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the
order dated 19.02.2024 made in W.P.No. 35717 of 2023.

For Appellant : Mr.S.Thirumavalavan



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for Mr.S.Gunasekaran

For Respondents : Mr.A.Selvendran

Special Government Pleaer for R1 to R3

J U D G M E N T

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

The appellant is claiming to be aggrieved by the order made in

W.P.No.35717 of 2023 dated 19.02.2024, has come up with this appeal.

2. The appellant made a claim that the property measuring an extent of 88 cents in Survey No.236/2 of Padi Village belongs to him and the revenue records have been wrongly transferred in the name of the 4th respondent therefore, he sought for rectification of the entries in the revenue records. The claim was rejected by the Tahsildar as well as the Revenue Divisional Officer. As against the order of the Revenue Divisional Officer, the appellant preferred a Writ Petition in W.P.No.28341 of 2019. This Court had disposed of the Writ Petition, directing the petitioner to approach the District Revenue Officer seeking rectification under Section 13 of the Patta Passbook Act.

3. The District Revenue Officer by the order impugned in the Writ Petition dated 17.03.2023, dismissed the representation on the conclusion



that complicated questions of title was involved and the same could be settled only by an appropriate Civil Court. This order was challenged before the Writ Court. The learned single Judge, dismissed the Writ Petition on the conclusion that the District Revenue Officer has rightly directed the parties to the Civil Court, since complicated questions of heirship as well as title were involved in the proceedings. Aggrieved, the instant appeal.

4. We have heard Mr.S.Thirumavalavan, learned counsel for the appellant.

5. Mr.S.Thirumavalavan, learned counsel for the appellant would submit that the appellant is prepared to go to the Civil Court but, there should be a direction to the Tahsildar / 3rd respondent to furnish the documents that were relied upon by him during the enquiry before the District Revenue Officer. We do not think, we can grant such a relief in a Writ Appeal filed against an order challenging the order directing the petitioner to approach the Civil Court.

6. It is claimed by the petitioner that the property belong to his family and it was wrongly sold by one Arjunan to the 4th respondent. It is also claimed that Arjunan is not a Clause - I heir of Somu Naicker under



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whom he had claimed. These are all questions of succession which will have to be decided only in a properly constituted civil suit before the Civil Court. Revenue Authorities, who are invested with powers to maintaining the revenue records cannot be required to decide these complicated questions.

7. Hence, we do not see any reason to interfere with the order of the learned single Judge. The request of the learned counsel for furnishing the copies can be made conveniently in the civil suit itself and these proceedings under Article 226 cannot be used as a tool to collect evidence. This Writ Appeal is therefore, **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M., J.) (R.S.V., J.)
02.08.2024

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Internet: Yes
Index: No
Speaking
Neutral Citation : No



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