



W.P(MD)No.1352 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.02.2024

CORAM

**THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN**

Writ Petition(MD)No.1352 of 2024

and

W.M.P(MD)No.1402 of 2024

Shanthi

... Petitioner

-Vs-

1.The Commissioner of Land Administration,  
Land Administration Department,  
Ezhilagam, 2<sup>nd</sup> Floom,  
Chennai – 600 005.

2.The District Revenue Officer,  
Collectorate Campus,  
Karur,  
Karur District.

3.The Revenue Divisional Officer,  
Revenue Divisional Office,  
Kulithalai,  
Karur District.

4.The Tahsildar,  
Taluk Office,  
Kulithalai,  
Karur District.



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5.Lakshmanan

6.Kumar

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned order of Na.Ka.C1/23336/2022 dated 10.10.2023 passed by the 2<sup>nd</sup> Respondent and quash the same and consequently, direct the Respondents 2 to 4 to issue patta in the petitioner's name for the Government Natham land bearing Survey No.369/8A, 8B situated at Rajendram North Village, Kulithalai Taluk, Karur District.

For Petitioner : Mr.G.Murugappan

For Respondents : Mrs.K.Christy Thebaral  
Additional Government Pleader  
(for R1 to R4)

### **ORDER**

This writ petition is filed seeking for issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned order of Na.Ka.C1/23336/2022 dated 10.10.2023 passed by the 2<sup>nd</sup> Respondent and quash the same and consequently, direct the Respondents 2 to 4 to issue patta in the petitioner's name for the Government Natham land bearing Survey No.369/8A, 8B situated at Rajendram North Village, Kulithalai Taluk, Karur District.



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2. The case of the petitioner is that she is a senior citizen aged about 63 years. She and her family are homeless persons and they are living in S.No.369/8A, 8B situated at Rajendram North Village, Kulithalai Taluk, Karur District, which is Government Natham Land, for the past 45 years. She is having house tax receipts, water connection and EB connection in her name. While so, during UDR scheme, by producing fraudulent documents, the respondents 5 and 6 obtained patta for the aforesaid Government Natham land in their names. Hence, she made an application dated 10.09.2022 to the District Collector, Karur District and the same was forwarded to the third respondent/Revenue Divisional Officer. The third respondent had conducted an enquiry and submitted a report dated 14.11.2022 to the second respondent/District Revenue Officer for cancelling the Patta issued in the name of the respondents 5 and 6. However, instead of cancelling patta and issuing fresh patta to the petitioner, the second respondent has passed the impugned order dated 10.10.2023 directing the petitioner to approach the concerned civil Court. Challenging the same, the present writ petition has been filed.



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3. According to the petitioner, the impugned order is against the Patta Passbook Act and against the UDR scheme guidelines. The property involved in this case is a Government Natham land, where the petitioner is living past 45 years, for which, she is having house tax receipts, ration card, water connection and EB connection. However, without considering the same, the second respondent has passed the impugned order. According to the petitioner, the patta obtained by the respondents 5 and 6 by producing fraudulent documents, has to be cancelled.

4. The learned Additional Government Pleader appearing for the respondents 1 to 4 would submit that the second respondent/District Revenue Officer has passed the impugned order after conducting a detailed enquiry and hence, no interference is necessary.

5. Heard both sides and perused the materials available on record.

6. A perusal of the impugned order, it is seen that a civil suit in O.S.No.105 of 2023 is pending before the Sub-Court, Kulithalai, Karur



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District in respect of the subject property. As per the circular in K. 3/21760/2008 dated 13.03.2018, if any interested, contesting party has brought to the notice of the concerned authority about the pending suits over the disputed land with the objection supported by a declaration that a civil suit has been filed and is accompanied by an authenticated copy of the plaint, the concerned authority should not pass any orders. Instead, the parties concerned should be directed to seek remedy in the pending suit and approach the revenue authorities on the basis of decree and judgment of the civil court.

7. It is seen that as per the above said circular, the second respondent has passed the impugned order directing the parties to approach the competent civil court and proceed with the manner in a manner known to law. However, the petitioner has not chosen to wait till the decision of the civil suit and she has approached this Court to quash the impugned order. The second respondent has not passed final order and he has directed the parties to approach the competent civil court to agitate the matter.



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8. In view of the above stated circumstances, this Court is not inclined to entertain this writ petition. Hence, this writ petition is dismissed. The parties are directed to approach the concerned civil court and agitate the pending suit to establish their rights. No costs. Consequently, connected miscellaneous petition is closed.

**13.02.2024**

NCC : Yes/No  
Index : Yes/No  
Internet : Yes  
skn

To

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**V.BHAVANI SUBBAROYAN, J.**

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