



W.A.(MD) No.384 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.11.2024

CORAM:

**THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN
and
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR**

W.A.(MD) No.384 of 2021

K.Surulivel

... Appellant / Petitioner

-VS-

1.The District Collector,
Theni District.

2.The Thasildhar,
Uthamapalayam Taluk,
Theni District.

3.Murugesan

...Respondents/Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 19.01.2021, passed in W.P.(MD)No.18909 of 2020, on the file of this Court.



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For Appellant : Mr.A.Logesh Kumar
for M/s.R.Suriyanarayanan

For Respondents : Mr.G.Suriyananth
Additional Government Pleader
for R1 & R2

: Mr.M.Karuppasamy Pandian
for R3

J U D G M E N T

[Judgment of the Court was made by **RMT.TEEKAA RAMAN, J.**]

Unsuccessful writ petitioner is the appellant herein. For the sake of convenience, the parties are referred to as per their ranking before the writ Court.

2. The writ petition is filed seeking to quash the order of the second respondent made in Na.Ka.No.8364/2019/A2, dated 07.10.2020 and to direct the second respondent to restore the patta No.239/4, for the land admeasuring 0.45.9 Ares in S.No.239/4 in Mallingapuram @ Anamalayanpatti Village, Uthamapalayam Taluk, Theni District in the name of the petitioner and to issue joint patta along with the name of the third respondent.



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3. Before the writ Court, the grievance of the petitioner is that originally there was a joint patta in his name, ie., Surulivel and his brother's name Velusamy in respect of the land in S.No.239/4 . Thereafter he has owned only $\frac{1}{2}$ extent of the land. But his brother sold the entire extent of the land to one Selvam vide sale deed dated 22.03.1989. Again the said Selvam sold to the third respondent in the year 1997. The revenue authorities, based upon the sale deed had mutated the revenue records and issued patta in the name of the third respondent herein. Thereafter, the writ petitioner filed an application before the second respondent Tahsildar, Uthamapalayam Taluk for restoration of joint patta in his name. Statement of the Village Administrative Officer and the writ petitioner, his brother Selvam and purchaser Murugesan were considered by the Tahsildar and considering the fact that based upon the sale deed, the patta transfer has been effected, the Thasildar directed the parties to approach the civil Court. Hence, in view of the dispute as to the title, the Tahsildar has rightly relegated the parties to approach the Civil Court to seek their title to the property before restoration of their name in the joint patta.



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4. Admittedly, the brother of the writ petitioner has sold his share of the property in the year 1989 and subsequent purchaser Selvam also sold in the year 1997 in favour of the third respondent. The writ petition was filed in the year 2020. As against the order of the writ Court, the present writ appeal has been filed.

5. Heard Mr.A.Logesh Kumar, learned counsel appearing for the appellant, Mr.G.Suriyananth, learned Additional Government Pleader appearing for the respondents 1 & 2 and Mr.M.Karuppasamy Pandian, learned counsel appearing for the third respondent.

6. After going through the pleadings as well as the submissions made by the parties, the second respondent being the revenue authority, cannot decide the title dispute and hence, he is quite right in referring the matter to the Civil Court and directed the parties to approach the Civil Court.



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7. Hence, we find no merit in this writ appeal and it deserves to be dismissed. Accordingly, this writ appeal stands dismissed. No Costs.

[T.K.R., J.] [N.S., J.]

19.11.2024

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

PJL

To

1.The District Collector,
Theni District.

2.The Thasildhar,
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