



W.P.(MD) No.21454 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.21454 of 2015

and

M.P.(MD) No.1 of 2015

M.Christopher

.. Petitioner

Vs.

1.The District Revenue Officer,
Trichirappalli,
Trichirappalli District.

2.Pounammal

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, to call for the records of the impugned order passed by the first respondent in his proceedings in Na.Ka.Aa.6/9357/2014, dated 02.08.2015 and quash the same as illegal.

For Petitioner : Mr.D.Selvanayagam

For Respondent-1 : Mr.B.Saravanan
Additional Government Pleader



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ORDER

This writ petition is filed for a certiorari to quash the order passed by the first respondent in his proceedings in Na.Ka.Aa.6/9357/2014, dated 02.08.2015.

2. The petitioner would seek the above relief on the following facts:

It is his contention that his father had purchased an extent of 2 acres and 89 cents out of a total extent of 6 acres and 56 cents in S.F.No. 19/1 under a registered sale deed dated 09.11.1967 from one Pappammal. It appears that one Sangili, father of the second respondent, claimed title to an extent of 30 cents in S.No.19/1 out of a total extent of 0.49.9 Hectares. The said Sangili had got the patta mutated in his favour. He had died on 29.01.2008 leaving behind him surviving his legal representatives. It appears that one Subbiah, son of Alagirisamy had filed a suit against the said Sangili in O.S.No.869 of 1991 on the file of the District Munsif Court, Trichy and after contest, the said suit was



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dismissed. On the death of the said Sangili, his legal representatives have filed O.S.No.155 of 2011 on the file of the District Munsif Court, Trichirappalli for declaration that the aforesaid properties belonged to them as legal heirs of Sangili and for a consequential injunction. The petitioner herein was impleaded as the third respondent therein.

3. It is the contention of the petitioner that Sangili had influenced the Revenue Officials and got a UDR patta in his name as if he is the owner of S.F.No.19/13, Asoor Village and also fabricated sale deeds in respect of S.F.No.19/13, Asoor Village instead of S.F.No.19/2. The said Sangili was very much aware that the 'A' Register and Encumbrance Certificates in respect of these properties stood in the name of the petitioner's father Marshal.

4. It appears that the petitioner's father Marshal had filed a suit in O.S.No.288 of 1979 on the file of the II Additional District Court, Trichirappalli and the suit was dismissed for default on 13.09.1982 on account of his ill health. It is taking advantage of the ill health of the



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petitioner's father the said Sangili had got UDR patta mutated in his name. The petitioner would submit that the Deputy Tashildar had recommended that the land belongs to the petitioner's father and that he is the land owner and necessary corrections had to be made in the patta passbook by deleting the name of Sangili and incorporating the name of the petitioner's father. The petitioner would submit that the second respondent taking advantage of the wrong entry in the UDR patta, was creating problems to the petitioner's enjoyment of the property.

5. The petitioner would submit that he had challenged the grant of patta as per Section 10 of the Tamil Nadu Patta Passbook Act, 1983. The Tahsildar had conducted an enquiry and had forwarded a report to the District Revenue Officer through the Revenue Divisional Officer. Since the petitioner had challenged the issue of patta, a notice was issued by the Revenue Divisional Officer to the second respondent to appear for an enquiry with reference to the cancellation of patta. This show cause notice was challenged by the second respondent in W.P.(MD) No.13661 of 2012. The said writ petition was disposed of by order dated



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27.01.2014, wherein this Court had directed the District Revenue Officer to enquire into the matter, after giving due notice to both parties and on their producing relevant documents to establish their legal right to the property. The said exercise was to be concluded within a period of four months from the date of receipt of a copy of the order. Though the challenge was to the notice of enquiry and to change of patta, the Court taking note of the fact that it is only the District Revenue Officer who was competent authority to consider the grant of pata under the UDR scheme, directed the District Revenue Officer to hold an enquiry as the Revenue Divisional Officer did not have the jurisdiction to enquire into the issue. This Court had passed the following order:

"7. Taking into consideration the notice issued by the Revenue Divisional Officer is without jurisdiction and as the enquiry has to be conducted only by the District Revenue Officer, the impugned order is quashed only to the extent stating that since the competent authority is District Revenue Officer to enquire into the matter, the District Revenue Officer is directed to give sufficient notice both to the petitioner and the second respondent to produce all the relevant documents to establish insofar as the legal right to get



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amendment and made entry in the patta whether it is wrong or not and then pass orders in accordance with law as per the documents produced by both parties, as expeditiously as possible preferably within a period of four months from the date of receipt of a copy of this order."

6. Pursuant to the said order, the impugned order has been passed rejecting the petition filed by the petitioner stating that the suit in O.S.No.155 of 2012 was pending on the file of the District Munsif, Trichirappalli. Aggrieved by the same, the petitioner has filed the present writ petition.

7. It is the contention of the learned counsel for the writ petitioner that though the authority has held that the suit in O.S.No.155 of 2012 was pending, this order has been challenged by the petitioner stating that the first respondent ought not to have passed any orders in the light of the pendency of the civil suit in O.S.No.155 of 2012. It is submitted that the suit has been dismissed and an appeal in A.S.No.130 of 2019 is pending on the file of the II Additional Sub Court, Trichirappalli.



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8. For the above reasons and without going into the rival contentions, this Writ Petition is disposed of directing the parties to await the result of A.S.No.130 of 2019. No costs. Consequently, connected miscellaneous petition is closed.

12.08.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr

To

The District Revenue Officer,
Trichirappalli,
Trichirappalli District.



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P.T.ASHA, J.

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