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WP No. 6632 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-09-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 6632 of 2019

and

WMP Nos.7457 & 7460 of 2019

N.Sanjeev Kumar
S/o.J.Nanjan,
Pettatti, Yedapalli,
Coonoor, Nilgiris District.

Petitioner(s)

Vs

1. The District Revenue Officer,
Nilgiris District.
- 2.The Revenue Divisional Officer,
Nilgiris District.
- 3.Shobana Chandrasekar,
Kulicholai,
Pudumandu Post,
Udhagamandalam.

Respondent(s)



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PRAYER: This Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorari, calling for the records relating to the impugned proceedings dated 26.04.2018 in Se.Mu.Aa.No.Na.Ka./U5/28947/2015 of the 1st respondent herein and quash the same.

For Petitioner : Mr.AR.Karthik Lakshmaman

For Respondents: Mr.S.Balamurugan
Government Advocate for R1 &
R2

No appearance- R3

ORDER

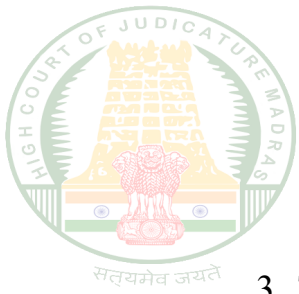
The present Writ Petition has been filed seeking issuance of a Writ of Certiorari to call for the records relating to the impugned proceedings dated 26.04.2018 in Se.Mu.Aa.No.Na.Ka./U5/28947/2015 of the 1st respondent herein and quash the same.

2. The case of the petitioner is that he is the owner and is in possession of the land measuring to an extent of 0.25 acres in Survey No.647/3, Jagadala



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Village, Kothagiri Taluk. Patta has also been issued in his name in respect of the aforesaid property in the year 2014. While so, the 3rd respondent has made an application for transfer of patta and sub-division for the aforesaid property in her name. Thereafter, sub-division was made as S.Nos.647/3A and 647/3B and the 3rd respondent's name was included in Survey No.647/3B as individual patta holder by the Tahsildar, Kotagiri. Challenging the above sub-division proceedings, and stating that the sub-division occurred without notice to the joint pattadars in respect of the aforesaid property, the petitioner has made a representation before the 2nd respondent/Revenue Divisional Officer (RDO). On 15.10.2015, the 2nd respondent had rightly cancelled not only the sub-division made but also the inclusion of the name of the 3rd respondent. Against which, the 3rd respondent preferred an appeal before the first respondent/District Revenue Officer. The first respondent vide order dated 26.04.2018, set aside the order passed by the 2nd respondent/Revenue Divisional Officer and confirmed the order passed by the Tahsildar, Kotagiri. Challenging the same, the petitioner has filed the present writ petition.



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3. The learned counsel for the petitioner submitted that, admittedly, the petitioner is the owner of the aforesaid property and is in possession and enjoyment of the same as a joint pattadar. However, without due notice to the petitioner, the sub-division was made by the Tahsilder and separate patta was also issued in favour of the 3rd respondent/private respondent. Aggrieved by the same, when the petitioner preferred an application/representation before the Revenue Divisional Official (RDO), the RDO has rightly cancelled the submission made by the Tahsildar. Further, he submitted that the 3rd respondent has preferred an appeal before the 1st respondent/District Revenue Officer and the same was allowed, confirming the order passed by the Tahsildar, Kotagiri, which is not sustainable one. Accordingly, he prays for appropriate orders from this Court by setting aside the order passed by the first respondent.

4. Per contra, Mr.S.Balamurugan, learned Government Advocate appearing for the respondents 1 and 2 submitted that the 3rd respondent had purchased the aforesaid property in the year 2009 vide Doc.Nos.1987/2009,



1988/2009 and 2017/2009. Upon satisfaction of the title, the property was sub-

divided by the Tahsildar, Kotagiri and the same was confirmed by the first respondent/District Revenue Officer, which does not requires any interference of this Court.

5. Heard the learned counsel for the petitioner as well as the learned Government Advocate for the respondents 1 and 2 and also perused the materials available on record.

6. Considering the above facts and the circumstances of the case and the submissions made by the learned counsel on either side, this Court is of the view that the issue arises in this writ petition would be resolved only by the Competent Civil Court and not by the District Revenue Officer and admittedly, even, if the District Revenue Officer confirms the patta issued by the Tahsildar, patta is not a conclusive proof of title. The petitioner has to canvass the same before the Competent Civil Court, and if the petitioner succeeds the case, he is at liberty to make a fresh application before the Tahsildar, Kotagiri for mutation



of revenue records in respect of the aforesaid property, as per the decree rendered by the Trial Court. Accordingly, this writ petition is dismissed. No

costs. Consequently, connected Miscellaneous Petitions are closed.

12-09-2025

Jd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The District Revenue Officer,
Nilgiris District.

2. The Revenue Divisional Officer,
Nilgiris District.



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M.DHANDAPANI J.

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