IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE P. DHANABAL

W.A.No.1264 of 2021
and
C.M.P.No.15971 of 2023

S.Ramanathan ... Appellant

Vs.

1. The District Revenue Officer,
   Tirupur, Tirupur District.

2. The Revenue Divisional Officer,
   Udumalpet, Tirupur,

3. The Tahsildar,
   Udumalpet, Tirupur District.
4. Mrs.Abitha ... Respondents

Prayer:- Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 18.02.2020 in WP No.14074 of 2016 and allow the writ petition.

For Appellant	:	Mr.A.Sivaji
For Respondents	:	Mr.T.Chezhian

Additional Government Pleader
for R1 to R3

JUDGMENT

(Judgment was delivered by **S.S. SUNDAR, J.**)

The Writ Appeal is directed against the order of the learned Single Judge dated 18.02.2020 in W.P.No.14074 of 2016.

2. The Appellant is the petitioner WP No.14074 of 2016 filed with the prayer, to quash the proceedings of the District Revenue Officer dated 27.02.2015 and to direct the respondents to delete the name of the 4th respondent in patta No.637 in respect of the land measuring acres 6.81 in S.No.470/A, Mannupatti Village, Udumalaipettai Taluk, Tirupur District.

3. Heard Mr.A.Sivaji, learned counsel for the appellant and Mr.T.Chezhian, learned Additional Government Pleader for respondents 1 to 3

4. The case of the appellant is that originally patta was granted to the

appellant in respect of Survey No.470/A. His grievance is that without notice to the appellant, patta was amended and the name of the 4th respondent was included as a co-pattadhar. Aggrieved by the same, the appellant preferred an appeal before the Revenue Divisional Officer, who rejected the appeal by an order dated 11.01.2012. Aggrieved by the same, the appellant again preferred a revision before the 1st respondent and the 1st respondent also dismissed the said revision by an order dated 29.10.2013.

5. Challenging the order passed by the respondents 1 and 2, the appellant filed WP No.14074 of 2016 before this Court. The learned Single Judge, having regard to the nature of dispute found that there is no reason to interfere with the order of the 1st respondent as the dispute is regarding the title which should be decided only by the competent Civil Court. Therefore, the learned Single Judge dismissed the writ petition with a liberty to the appellant to file a suit before the competent Civil Court having jurisdiction over the property in question and seek for a declaratory relief. Aggrieved by the said order of the learned Single Judge, the appellant has filed the present appeal before this Court.

6. The learned counsel for the appellant submitted that the revenue officials have relied upon a Sale deed, which was registered in Kerala. It is contended by the learned counsel for the appellant that in view of Section 28 of the Registration Act (hereinafter referred to as "the Act"), the Sale Deed registered outside the State of Tamil Nadu in contravention of Section 28(a) of the Act, is void.

7. The learned counsel for respondents brought to our notice that the revenue officials have considered not only the document which was registered in the State of Kerala but also the previous document that was originally registered as Document No.1353 of 1969 in respect of the property in SF No.470/A and found that the 4th respondent has half right in the well. The learned counsel further submitted that the Sale deed which was registered in the State of Kerala bearing Document No.1693 of 1995 dated 28.09.1995 was re-registered on 24.08.2007 after collecting a sum of Rs.75,000/- as additional Registration costs. Therefore, the contention of the learned counsel appearing for the appellant that the revenue officials have relied upon a void document cannot be countenanced.

8. This Court finds that the 1st respondent has considered the facts elaborately and inclusion of 4th respondent as Joint pattadarar appear to be based on previous entries in revenue records and on the basis of registered documents and therefore, inclusion of name of the 4th respondent as co-pattadarar is well within the powers of the revenue officials in terms of Section 10 of the Tamil Nadu Patta Passbook Act. Since the petitioner has been given liberty to approach the Civil Court, if he has grievance in seeking appropriate relief, this Court finds that no prejudice is caused to the appellant on account of the order passed in the writ petition. As rightly pointed out by the learned Single Judge, this Court cannot go into disputed question of title and therefore, this Writ Appeal is devoid of merits and hence, dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(S.S.S.R., J.) (P.D.B., J.)
22.01.2025

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Internet : Yes
Index : Yes
Neutral Citation : Yes

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and
P. DHANABAL, J.

rka

To

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