IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-12-2025

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

WP No. 28017 of 2021

Krishnappa

Petitioner(s)

Vs

1. The District Revenue officer
Krishnagiri District

2.The Revenue Divisional officer
Krishnagiri

3.The Tahsildar
Soolagiri Taluk, Krishnagiri District

4.Krishnappa

5.Bangarappa

6.Venkatamma

7.Chandramma

8.Muniappa

9.Narayanamurthy alias Narayanappa

Respondent(s)

PRAYER

Calling for the records relating to the Impugned proceedings dated 29.10.2021 passed in Pa.Mu. 22481 / 2021 / J2 on the file of the 1st Respondent herein quash the same and consequently direct the 1st Respondent herein to rectify the defects occurred during UDR scheme in respect of the lands in S.F. Nos 22/1, 22/2, 22/7, 22/8 and 32/1 situate at Kumbalam village Soolagiri Taluk, Krishnagiri District within a stipulated period.

For Petitioner(s): Mr K. Govi Ganesan

For Respondent(s): MR D. RAVICAHNDER, SGP
FOR R1 TO R3
M/S R.DIVYAPREATHIKA
FOR M/s. R.BHARATH
KUMAR FOR R5
Mr.Mohamed Riyaz for R6
Mr. SRIHARI FOR
Mr. V.NICHOLAS
FOR R7 TO R9
R4-No appearance

ORDER

This writ petition has been filed, challenging the impugned proceedings dated 29.10.2021 passed by the first respondent directing the petitioner to approach the Civil Court for rectification of the UDR pattas issued in favour of the respondents 7 to 9.

2.The property, more fully described in the prayer to this writ petition, is claimed to be owned by the petitioner's mother as seen from the affidavit filed in support of this writ petition. The petitioner claims that a mistake has crept in when the lands were subdivided and pattas were wrongly issued in the names of the respondents 7 to 9 erroneously in the year 1984. Therefore, the petitioner sought for rectification of the UDR pattas issued in favour of the respondents 7 to 9 and the same has been rejected under the impugned order.

3.The petitioner claims ownership of the property by virtue of a sale deed executed in favour of the petitioner's grandfather on 03.05.1961. According to the petitioner, after the death of the petitioner's grandfather, his mother became the owner. The petitioner's mother is still alive, but the petitioner's mother has not filed this writ petition for the reasons best known to the petitioner.

4.The respondents 7 to 9, who are in possession of the property, more fully described in the prayer to this writ petition, claim that they were put in possession of the same by way of a partition. Admittedly, UDR pattas were issued in favour of the respondents 7 to 9 in the year 1984 itself. The petitioner also does not dispute the said fact. However, the petitioner claims that the UDR pattas ought not to have been issued in favour of respondents 7 to 9 since the petitioner's mother is the absolute owner of the property, more fully described in the prayer to this writ petition.

5.The petitioner's request has been rejected under the impugned order on the ground that since there is a civil dispute between the parties and therefore, the revenue authorities cannot decide the dispute and necessarily, the petitioner will have to approach the Civil Court. Admittedly, the petitioner is not in possession of the property, morefully described in the prayer to this writ petition. The possession is presently vested with the respondents 7 to 9. Till date, the petitioner has also chosen not to file any civil suit for recovery of possession even though the UDR pattas were issued in favour of the respondents 7 to 9 in the year 1984 itself. If the petitioner's request has to be entertained, atleast, the petitioner ought to have filed a civil suit seeking for recovery of possession. When the UDR pattas have been issued in favour of the respondents 7 to 9 as early as in the year 1984 itself, prompt steps ought to have been taken by the petitioner by taking legal action against the respondents 7 to 9 by filing a civil suit for recovery of possession. Though the power with regard to the mutation of revenue records is vested with the revenue authorities, to safeguard the petitioner's possession over the property, the petitioner ought to have filed a civil suit seeking for recovery of possession from the respondents 7 to 9 at the earliest point of time when it was brought to his knowledge that the respondents 7 to 9 have illegally taken possession of the property by virtue of the UDR pattas, which were issued in the year 1984 itself.

6.There are several disputed questions of fact involved and only through a comprehensive civil suit, the petitioner, if at all entitled, will be able to establish. The petitioner's mother is still alive and even according to the petitioner, his mother is the owner of the property. The affidavit filed in support of this writ petition does not disclose as to why the mother has not chosen to file the writ petition, but instead her son (petitioner) has filed the same. There may be other siblings of the petitioner as well, who may be interested in the property.

7.Since there are several disputed questions of fact involved, which can be agitated only before the Civil Court, this Court does not find any infirmity in the impugned order. Necessarily, the petitioner will have to redress his grievance as prayed for in this writ petition as well as for recovery of possession only before the Civil Court. This Court is therefore not inclined to interfere with the impugned order. Accordingly, this writ petition is disposed of by granting liberty to the petitioner to approach the Civil Court for redressal of his grievance pertaining to the property which is the subject matter of this writ petition, in the manner known to the petitioner under law. No costs.

12-12-2025

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To

1.The District Revenue officer
Krishnagiri District

2.The Revenue Divisional officer
Krishnagiri

3.The Tahsildar
Soolagiri Taluk, Krishnagiri District

ABDUL QUDDHOSE J.

vga

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