



W.P.No.37533 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

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A.R.Paranthaman

..... Petitioner

Vs.

1.The District Revenue Officer,
Thirupathur.

2.The Revenue Divisional Officer,
Tirupathur.

3.The Tahsildar,
Tirupathur Taluk,
Tirupathur

..... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records of the 1st respondent in Ni.mu.D2/41491/2023 dated 09.09.2023 confirming the order of the 2nd respondent in Mu.Mu. A5/RDOTPT/110/2023-A5 dated 05.05.2023 and quash the same; direct the respondents to issue a separate patta to the petitioner in respect of the lands in survey No.68/4A1A 68/8A and 68/9A1 of Jolarpettai Village, Tirupathur Taluk, based on the decree and judgment dated 04.03.1993 passed in O.S.No. 157 of 1993 on the file of the Principal District Munsif Tirupathur.

For Petitioner : Mr.M.Sathya Kumar



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For Respondents : Mr.D.Ravichander
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the order dated 09.09.2023 passed by the first respondent, thereby confirming the order passed by the second respondent dated 05.05.2023, thereby rejected the request made by the petitioner for issuance of patta for the subject property by removing the names of the other legal heirs from the joint patta.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The land comprised in Survey Nos.68/4A1A, 68/8A and 68/9A1, situated at Jolarpettai Village, Tirupathur Taluk, Thirupathur District, owned by the petitioner's parents. The petitioner was put in physical possession of the subject land and is in possession and cultivation of the same as per the family arrangements. However, the other legal heirs of the petitioner's parents disputed the family arrangements and also attempted to interfere with the physical possession and enjoyment of the subject land.



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4. Therefore, the petitioner filed a suit in O.S.No.157 of 1993 on the file of the Principal District Munsif Court, Thirupathur, seeking a declaration in respect of the entire property and also for permanent injunction. The said suit was decreed by a Judgment and Decree dated 04.03.1993. Pursuant to the said Judgment and Decree, the petitioner submitted an application to delete the names of the other legal heirs from the joint patta and sought issuance of an individual patta for the entire property. However, the said request was rejected and the same was confirmed by the first respondent in the revision.

5. A perusal of the records reveals that even after the Judgment and Decree passed in O.S.No.157 of 1993, dated 04.03.1993, all the family members, including the petitioner, had sold portions of the property measuring an extent of 1.26 ½ acres to various parties. Thereafter, in respect of the remaining land, pattas were issued to all the family members in respect of the properties comprised in Survey No.68/4A1A, 68/4A and 68/9A1. Subsequently, the petitioner made an application to delete the joint pattadar names and sought issuance of a separate patta in his name in the light of the Judgment and Decree passed



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in O.S.No.157 of 1993 dated 04.03.1993. After demise of the petitioner's brother, now the petitioner submitted an application for issuance of separate patta by deleting the name of his late brother.

6. The subject land has already been sub-divided and issued pattas in favour of all the legal heirs. Though the petitioner obtained a Judgment and Decree in O.S.No.157 of 1993 against his parents, the decree was not acted upon so far and subsequently, all the family members sold portion of the property measuring an extent of 1.26 ½ acres to various third parties. Therefore, the request made by the petitioner was rightly rejected by the second respondent and confirmed by the first respondent. That apart, when there is a cloud over the title, the petitioner ought to have approached the Civil Court for appropriate relief by way of declaration. Both the Appellate Authority and the Revisional Authority do not have the jurisdiction to adjudicate on questions of title.

7. In view of the above, this Court finds no infirmity or illegality in the order dated 09.09.2023 passed by the first respondent and in the order passed by the second respondent dated 05.05.2023. Accordingly, this Writ Petition stands dismissed. No costs.



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Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
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To

- 1.The Principal District Munsif,
Tirupathur.
- 2.The District Revenue Officer,
Thirupathur.
- 3.The Revenue Divisional Officer,
Tirupathur.
4. The Tahsildar
Tirpathur Taluk,
Tirupthur.

G.K.ILANTHIRAIYAN. J.

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