



W.P.(MD)No.4874 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.4874 of 2025

Arunachalam

... Petitioner

/Vs./

1. The District Revenue Officer cum
Additional Executive Magistrate,
Virudhunagar District.

2. The Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.

3. The Tahsildar,
Tiruchuli Taluk,
Virudhunagar District.

4. Alavudeen

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order of the first respondent, made in Ni.Mu.A2/E.2087522/2024 dated 19.09.2024 and quash the same as illegal and consequently to direct the first respondent to cancel the UDR patta relates to the land measuring 0.22.0 Ares in S.No.9/5 in Koraiyaravasithan Village, Tiruchuli Taluk in the name of the fourth respondent and to restore the same in the petitioner name.



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For Petitioner

: Mr.R.Suriya Narayanan

For Respondent Nos.1 to 3

: Mr.M.Lingadurai

Special Government Pleader

ORDER

The writ petitioner challenges the impugned order of the first respondent dated 19.09.2024.

2 The petitioner's case before first respondent was that the petitioner and his mother were issued with joint patta in S.No.9/5. Further according to the petitioner, the petitioner's ancestors were under possession of lands in S.No.9/5. Further, the patta has been wrongly mutated in the name of the fourth respondent who has purchased property from one Alima Beevi, who had no title or right over the subject lands.

3. I have heard the learned counsel appearing on either side and perused the materials placed before this Court.



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4. The learned Counsel for the petitioner would submit that the vendor of the fourth respondent had no title to convey in respect of S.No.9/5 and the SLR records stands in the name of the petitioner's father and subsequently the petitioner and his brother were issued with joint patta. The first respondent without taking into consideration all these factors has blindly referred the parties to the Civil Court, citing a title dispute.

5. Admittedly, there is a registered sale deed which stands in the name of the fourth respondent. On the contrary, the petitioner claims only based on revenue records and in favour of the predecessors.

6. In view of the above, I do not find any fatal illegality in the direction of the first respondent to seek relief before the competent Civil Court, since, the petitioner has to first establish title and thereafter claim any right. Such a finding arrived at cannot be set aside, especially when the petitioner has been given opportunity by way of hearing before the first respondent, prior to passing of the the impugned order. Be that as it may, the first respondent has proceeded to make certain observations in



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the course of decision. While, ultimately directing the petitioner to approach the competent Civil Court. It is therefore made clear that any of the observations made by the first respondent would not bind the writ petitioner who would be at liberty to file a suit before the competent Civil Court and declare his title to the subject lands, independently, in accordance with law.

7. With the above said observations, this writ petition is dismissed.

No costs.

Index : Yes / No
NCC : Yes / No
gvn

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P.B. BALAJI, J.

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Order made in
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