

W.P.(MD)No.10625 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2025

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THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD)No.10625 of 2019

and

W.M.P(MD)No.8148 of 2019

P.Somasundaram

... Petitioner

Vs.

1.The District Revenue Officer,
Thoothukudi,
Thoothukudi District.

2.The Revenue Divisional Officer,
Thiruchendur,
Thoothukudi District.

3.The Sub Register,
Thiruchendur,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to quash the order passed by the first respondent in impugned order by his proceeding in Na.Ka.D6/18765/2018, dated 01.08.2018 and to direct the respondents 1 and 2 to issue patta in the name of the petitioner and his mother within the stipulated period.



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For Petitioner : Mr.T.Nithish
For Mr.K.P.S.Palanivel Rajan

For Respondents : Mr.M.Muthumanikkam
Government Advocate

ORDER

The writ petition is filed challenging the order of the first respondent, dated 01.08.2018, and consequently directing the respondents 1 and 2 to issue patta in the name of the petitioner and his mother within a time stipulated by this Court.

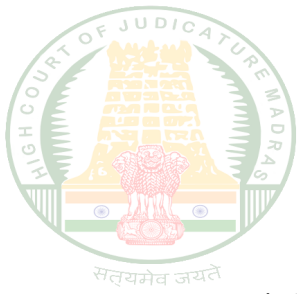
2. The petitioner's father, namely, M.C.P.Palaniyappa Chettiyar purchased several properties from various persons in S.No.179/1, for a total extent of 4 acres 72 cents. The petitioner's father died on 31.01.1993, leaving behind the petitioner and his mother as his sole legal heirs. After the demise of the petitioner's father, the petitioner and his mother shifted from Thiruchendur. Taking advantage of their absence, some persons without any legal right obtained patta under the UDR scheme. The second respondent even without verifying the registered documents issued joint patta by including the names of one Vincent Fernand and one Loganathan in the patta issued to his father with respect to his properties. The petitioner on coming to know that joint patta was



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issued erroneously to persons, who had no right or connection with his father's properties filed revision petition before the first respondent to rectify the mistake committed by the second respondent. As the revision application was kept pending for over three years without any action, the petitioner filed writ petition in W.P.No.18871 of 2017. This Court vide order, dated 12.10.2017, directed the first respondent to pass orders on merits and in accordance with law after affording due opportunity to the petitioner as well as to the interested parties within a period of 8 weeks, from the date of receipt of a copy of the order. Thereafter, the second respondent sent his recommendation to the first respondent and the first respondent passed the impugned order rejecting the petitioner's revision. Aggrieved by the same, the petitioner filed the above writ petition for the aforesaid relief.

3. The learned counsel for the petitioner submitted that the impugned order was unsustainable as the first respondent failed to note that the civil suit filed by the petitioner had nothing to do with the application for cancellation of the joint patta and for issuance of separate patta in the names of the petitioner and his mother. The learned counsel for the petitioner further submitted that the second respondent further failed to comply with the directions issued by this Court in its order, dated 12.10.2017 and therefore, the impugned order deserved to be set aside and remitted back for fresh consideration.



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4. Heard the learned counsel for the petitioner and perused the materials placed on record.

5. It is seen that the petitioner's father had purchased several properties in S.No.179/1 under various sale deeds from several persons for total extent of 4 acres 72 cents. The separate patta was originally granted in favour of the petitioner's father and subsequently, joint patta was issued in the name of the petitioner's father, by including the names of one Vincent Fernand and one Loganathan with respect to a portion of the property. The petitioner though filed a suit in O.S.No.16 of 2019, against the said Loganathan for declaration of his title to the property in S.No.179/1J4 and for recovery of possession, as far as Vincent Fernand was concerned, even though patta was issued including his name for S.No.179/1J4, the petitioner did not file a suit. The first respondent in the impugned order relied on the circular, dated 13.03.2018, of the Commissioner of Land Administration, wherein, it was clearly stated that whenever there was title dispute between the parties, the Civil Court was the competent authority to decide the same. So far as Loganathan is concerned, the civil suit has already been filed and the same is pending and therefore, the first respondent is justified in relying on the aforesaid circular. As far as Vincent Fernand is concerned, for the reasons best known to the petitioner, he did not



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file a civil suit. If the petitioner claims exclusive title, then he should resolve the rival title dispute before the competent civil Court. It is trite in law that the first respondent has no jurisdiction to enter into disputed questions of title and therefore, I am of the view that the order passed by the first respondent cannot be faulted. Hence I find no merits in the writ petition.

6. Accordingly, the writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

23.01.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
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To:

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- 2.The Revenue Divisional Officer,
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- 3.The Sub Register,
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N.MALA, J.

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