



W.P.(MD)No.12357 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2025

CORAM

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.12357 of 2023

and

W.M.P.(MD)No.10497 of 2023

R.Nagalakshmi

: Petitioner

Vs.

1.The District Collector,
District Collector Office,
Ramanathapuram.

2.The Assistant Collector,
Assistant Collector Office,
Paramakudi.

3.The Tahsildar,
Taluk Office,
Muthukulathur Taluk,
Ramanathapuram District.

4.Muthu

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari, to call for the records of the



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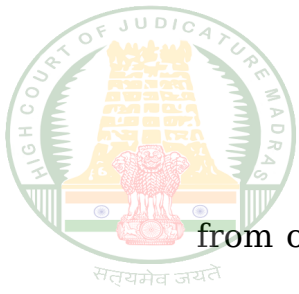
second respondent in Na.Ka.A.3/2892/2022 dated 15.03.2023 and
quash the same as illegal.

For Petitioners : Mr.N.Balakrishnan
For Respondents 1 to 3 : Mr.M.Lingadurai,
Special Government Pleader
For Respondent No.4 : Mr.AR.Kannappan

ORDER

Heard the learned Counsel for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader appearing for the respondents 1 to 3 and Mr.AR.Kannappan, learned Counsel appearing for the fourth respondent.

2.The petitioner challenges the enquiry notice issued by the second respondent. At the time of admission, this Court has also granted an order of interim stay and admittedly, no enquiry has been conducted. The case of the petitioner is that the property originally belonged to four brothers namely Chinnandi, Muthu, Kalimuthu and Gopal. The said four brothers after the demise of their father, partitioned the properties orally and two of sons namely Chinnandi and Muthu became entitled to 8 cents each. The petitioner has, under registered sale deed dated 19.02.2008, purchased 8 cents



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from one of the owners Kalimuthu. The said sale deed is attested by the vendor of the fourth respondent.

3.The specific case of the petitioner is that based on the said registered sale deed, the petitioner is in possession and patta has also been mutated in his name even as early as in 2010. However, the fourth respondent who has purchased an extent of 7 cents from one of the other brothers by name Chinnandi, claims that the petitioner has usurped one cent of land that has to come to the share of the fourth respondent through his predecessors in title namely, Sathya and Kumar, tracing title to son of Muniyandi namely Chinnandi.

4.The case of the fourth respondent is that his vendor was a purchaser prior in point of time, even in 2004, whereas the petitioner has purchased the property only on 19.02.2008.

5.Admittedly, there is no registered document evidencing any partition between the four brothers. The fact that the sale deed in favour of the fourth respondent gives boundaries, confirming the pathway existing between two properties of the petitioner and the fourth respondent and also in view of the fact that the patta granted after sub-dividing the properties in the year 2012 is only for an

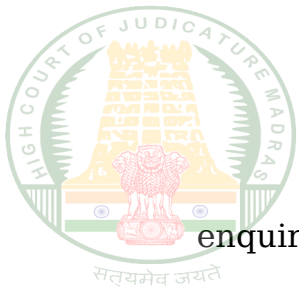


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extent of 12 cents, in respect of two of the boundaries, the authorities have in principle agreed to issue patta only in respect of 6 cents. However, the fourth respondent aggrieved by the same, claims 7 cents under the registered sale deed tracing title to one of the sons Chinnandi, who according to the fourth respondent was entitled to 7 cents and not 6 cents.

6.All these issues cannot be decided by the revenue officials. Admittedly, the issuance of patta was way back in 2012 and the same remains unchallenged either by the fourth respondent or his vendors or any other sons of the original owner Muniyandi. If at all the fourth respondent has any grievance regarding the excess sale alleged to have been made by the petitioner's vendor, based on which alone mutation has taken place, it shall be open to the fourth respondent to approach the Civil Court to redress the grievance as held by the Hon'ble Supreme Court in ***Edelweiss Asset Construction Company Ltd. Vs. R.Perumalswamy***, reported in ***(2021) 11 SCC 98***, the revenue officials cannot go into the disputed complex questions of title.

7.Learned Counsel for the fourth respondent relied on my order in W.P.(MD)No.3270 of 2025 dated 25.02.2025. In the said case, I had directed the District Revenue Officer, before whom the



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enquiry was pending, to satisfy himself as to existence of any title dispute and thereafter, proceed to pass orders. Therefore, the learned Counsel for the fourth respondent would seek for similar orders to be passed in the present Writ Petition. However, I am unable to countenance the said request of the learned Counsel for the fourth respondent, since in the present case, admittedly, the dispute of title exists and it is not required to relegate this issue to the revenue authorities, after finding that there is a dispute with regard to title relating to the properties purchased by the petitioner and the fourth respondent.

8.In view of the above, the impugned order dated 15.03.2023 is quashed and the fourth respondent is directed to approach the competent Civil Court, if aggrieved.

9.Accordingly, this Writ Petition stands allowed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

13.03.2025

Index :Yes / No

Internet : Yes / No

NCC : Yes/No

MR

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P.B.BALAJI., J.

MR

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