



W.P.(MD)No.20691 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.03.2025

CORAM:

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

W.P.(MD).No.20691 of 2023

and

W.M.P(MD).Nos.17118 and 17119 of 2023

R.Panjavarnam

... Petitioner

Vs.

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The District Revenue Officer,
Ramanathapuram District,
Ramanathapuram.
3. The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District,
Ramanathapuram.
4. The Sub Collector,
Paramakudi,
Ramanathapuram District,
Ramanathapuram.



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5. The Tahsildar,
Kamuthi Taluk Office,
Kamuthi,
Ramanathapuram District.

6. M.Velusamy

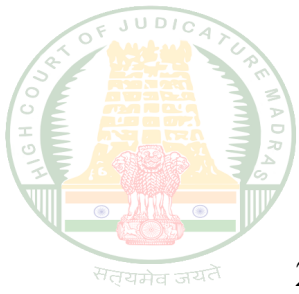
... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records pertaining to the impugned order passed by the 4th respondent in Pa.Mu. (A6)-6178-2023 dated 14.07.2023 as unconstitutional, arbitrary and illegal and quash the same.

For Petitioner	: Mr.B.Vinothkumar
For R1 to R5	: Mr.M.Lingadurai Special Government Pleader
For R6	: Mrs.Porkodi Karnan

ORDER

Considering the limited relief sought for in the writ petition, with the consent of the parties, the writ petition itself is taken up for final disposal.



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2. The petitioner has filed the present writ petition challenging the order of the 4th respondent in Pa.Mu.(A6)-6178-2023 dated 14.07.2023 on the ground that the very same authority had earlier passed an order in favour of the writ petitioner and without any jurisdiction, the same authority has once again reopened the matter and came to a different conclusion, at the instance of the 6th respondent.

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

4. The case of the petitioner is that patta was mutated in favour of eight persons jointly and it was only the father of the 6th respondent who had consented for the same. However, the learned counsel for the 6th respondent submits that such consent letter was never issued by the 6th respondent's father and though the said consent was challenged, the 3rd respondent proceeded to accept the request of the petitioner for issuance of joint patta, by including eight names based on the disputed consent letter. Instead of preferring an appeal, the 6th respondent has once again approached the very same authority namely the 4th respondent, after a new



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officer assumed charge and then the impugned order thereafter came to be passed in favour of the 6th respondent.

5. Admittedly, when the 4th respondent had passed an order, it was only open to the 6th respondent, if aggrieved, to have preferred an appeal against the order of the 4th respondent dated 14.07.2023. The 6th respondent could not have once again approached the 4th respondent seeking the very same relief. The 4th respondent could not have even taken up the issue, as the matter had already been decided even as early as on 14.07.2023 and once again passed a fresh order on 20.04.2021, going back on the earlier order.

6. Admittedly, the issue can be decided only by the competent Civil Court and not by revenue authorities who are not entitled to go into the factual complex title disputes between the rival claimants. Therefore, for all the above reasons the impugned order passed by the 4th respondent on 14.07.2023 is set aside and liberty is granted to the 6th respondent to approach the competent Civil Court to redress the grievances, if any in a manner known to law.



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7. The writ petition is disposed of with the above observations and directions. No costs. Consequently, connected miscellaneous petitions are closed.

13.03.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm



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P.B.BALAJI, J.

rgm

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