

W.P.(MD)No.17733 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2025

CORAM

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

W.P.(MD)No.17733 of 2022

and

W.M.P.(MD)Nos.12926 and 12927 of 2022

P.Chelladurai

: Petitioner

Vs.

1.The District Revenue Officer,
Virudhunagar,
Virudhunagar District.

2.T.Marimuthu

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Writ of Certiorari calling for the records pertaining to the Impugned Order issued by the 1st Respondent in his proceedings in Ni.mu. AA2/30097/2021 dated 16.06.2022.

For Petitioner : Mr.S.Poornachandran

For Respondent No.1 : Mr.B.Saravanan

Additional Government Pleader

For Respondent No.2 : Mr.S.Rajasekaran



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ORDER

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The petitioner challenges the order of the first respondent in Ni.mu. AA2/30097/2021 dated 16.06.2022.

2.I have heard the learned Counsel for the petitioner, learned Counsel appearing for the second respondent and Mr.B.Saravanan, learned Additional Government Pleader appearing for the first respondent.

3.The petitioner challenges the order of the first respondent on the ground that the first respondent has decided the issues of title without appreciating registered documents of title in favour of the writ petitioner. Learned Counsel for the petitioner would rely on genealogy tree, which is enclosed in the typed set of papers to trace title to 9 cents of Karuppana Nadar.

4.However, learned Counsel for the second respondent would place reliance on a registered sale deed under which 9 cents was jointly purchased by three sons of Karupana Nadar namely Thangaiya Nadar, Karupana Nadar and Narayana Nadar. It is only an extent of 3 cents which has been sold in favour of the petitioner's vendor in the year 1980. Therefore, learned Counsel for the second respondent would submit that the petitioner would have no iota of



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right in respect of any extent exceeding 3 cents and cannot claim any right exceeding three cents. He would also place reference on the SLR records to evidence that entire 9 cents were mutated in the name of the Thangaiya Nadar. Learned Counsel would submit that the genealogy tree is not reflecting the true position and if at all the petitioner is aggrieved by the order of the first respondent, the petitioner would have to approach the competent Civil Court.

5.I find force in the submission of the learned Counsel for the second respondent. However, at the same time, when there is a registered document in favour of the petitioner from 1997 onwards, tracing the title over the earlier document of the year 1984 as well as 1988, there is a clear dispute with regard to the title to the subject lands which can be resolved only by the parties approaching the competent Civil Court. However, based on the registered documents, patta was mutated in the name of the petitioner soon after the purchase in 1987. Only based on the application of the second respondent, the impugned order came to be passed. Hence, applying the ratio of the Division Bench in **Vishwas Footwear's case**, second respondent, if aggrieved, should approach the competent Civil Court and thereafter, seek mutation of records subject to the decree of the competent Civil Court. The first respondent has directed mutation of patta by ordering 6 cents to be



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mutated in the name of the second respondent and 3 cents in the name of the petitioner. Such exercise amounts to usurping the powers of the Civil Court. The first respondent should have restrained from issuing such directions and ought to have only directed the second respondent to approach the Civil Court applying the ratio of ***Vishwas Footwear's case***.

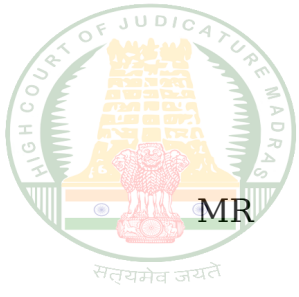
6. Accordingly, this Writ Petition is allowed, the impugned order is set aside. The second respondent is at liberty to approach the Civil Court to establish his rights and thereafter, move the revenue authorities for patta. In view of the fact that the impugned order is being set aside only on the ground that there is complex title dispute between the parties, the petitioner shall not cause further alienation pending final decision to be taken by the Civil Court. In the event of second respondent not approaching the Civil Court, within a period of three [3] months from the date of receipt of this order copy. Then, such restriction will stand automatically raised. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

27.03.2025

Index : Yes / No

Internet : Yes / No

NCC : Yes/No



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To

The District Revenue Officer,
Virudhunagar,
Virudhunagar District.



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P.B.BALAJI., J.

MR

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