



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P (MD) No.10797 of 2015

and

M.P. (MD) Nos.1 and 2 of 2015

M.Kannan

.. Petitioner

Vs.

The District Revenue Officer,
O/o the District Collector,
Collectorate, Sivagangai District.

.. Respondent

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings of the respondent in Na.Ka.Bi4/15508/2013 (**Na.Ka.Bi4/15508/2013**) dated Nil.05.2014 and quash the same as illegal and irrelevant and consequentially directing the respondent to measure the exact extent of the property as per the sale deeds in No.2048, dated 10.08.1945 and No.2926, dated 28.07.1943 and demarcate the boundaries and issue the patta in the name of the legal heirs including the petitioner, as requested by the petitioner in his representation dated 20.12.2012.

For Petitioner

: Mr.M.Kannan

Party-in-person

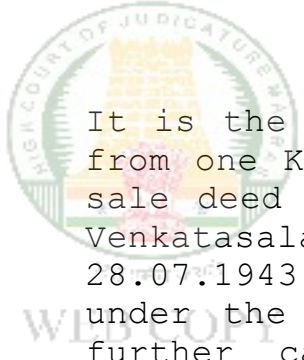
For Respondent

: Mr.T.R.Janarthanan

Additional Government Pleader

O R D E R

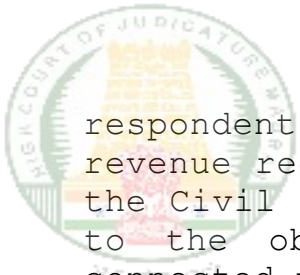
This Writ Petition has been challenging the impugned proceedings of the respondent dated Nil.05.2014 issued vide Na.Ka.Bi4/15508/2013 (**Na.Ka.Bi4/15508/2013**) and consequently direct the respondent to measure the exact extent of the property as per the sale deeds in No.2048, dated 10.08.1945 and No.2926, dated 28.07.1943 and demarcate the boundaries and issue the patta in the name of the legal heirs including the petitioner, as requested by the petitioner in his representation dated 20.12.2012.



It is the case of the petitioner that the property was purchased from one Komali Ammal and Venkatasamy Raju in the year 1945 under sale deed dated 10.08.1945 and from one Vaduganambi Raju, son of Venkatasala Raju in the year 1943 under sale deed dated 28.07.1943. According to the petitioner, the properties purchased under the two documents comprised in Survey No.1/16. It is the further case of the petitioner that the said property was inherited by his mother, step-mother and the petitioner and his brothers and sisters being the legal heirs of their father one Malaiyappan. The petitioner appears to have submitted a representation on 20.12.2012 to the respondent requesting to measure the property as per the sale deeds dated 10.08.1945 and 28.07.1943 and demarcate the boundaries and further to issue patta in the name of the petitioner and others who are the legal heirs of his father Mr.Malaiyappan.

3.It appears that this Court has earlier in W.P.(MD) No.10548 of 2013 by order dated 03.07.2013 was pleased to direct the District Revenue Officer to pass orders on the representation of the petitioner within a period of six weeks. Pursuant to the order passed by this Court, the respondent has passed order by the impugned proceedings rejecting the request of the petitioner for grant of patta.

4.A perusal of the affidavit filed in support of the writ petition discloses that the petitioner claims title to some of the properties on the basis of old documents of sale i.e., the sale deeds dated 10.08.1945 and 28.07.1943 under which the petitioner's forefathers had purchased some property. A perusal of the sale deeds indicate that the documents are not described with reference to any specific survey number. The fact that the patta was not granted to the petitioner's fore-fathers is not in dispute. In such circumstances, the order passed by the respondent rejecting the petitioner's representation for grant of patta cannot be faulted. The petitioner approached the Revenue Officials and this Court for issuing direction to grant patta only on the basis of the two sale deeds without any other document to prove the identity or to establish the title and enjoyment of the property. Civil Court is the competent forum to decide issues relating to title and enjoyment. As per the provisions of Tamil Nadu Patta Passbook Act, the revenue officials are bound to modify the entries in the revenue records in accordance with Civil Court's decree declaring the right or title of individual owners. I find no merit in this Writ Petition to interfere with the order of the respondent on the petitioner's representation to grant patta to the petitioner and the other legal heirs of the petitioner's father. However, liberty is given to the petitioner to establish their title and enjoyment in accordance with law before the Civil Court. In the case, the Civil Court grants a decree in respect of the property declaring the title of the petitioner and other legal heirs of the petitioner's father, it is needless to say that the



respondent or the Tahsildar concerned is obliged to modify the revenue records and issue patta in accordance with the decision of the Civil Court. The Writ Petition is dismissed, however, subject to the observation made above. No costs. Consequently, the connected miscellaneous petitions are closed.

WEB COPY

Sd/-

Assistant Registrar(CS II)

/True copy/

Sub Assistant Registrar

To

The District Revenue Officer,
O/o the District Collector,
Collectorate, Sivagangai District.

+1cc to Mr.M.Kannan, party-in-person, Advocate SR.No.39629/16

SRM

sm:NGM-MP:SAR III:28.7.2016:3P/3C

W.P.(MD)No.10797 of 2015
25.07.2016