

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2017

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.24760 of 2012
and
M.P.Nos.1 & 2 of 2015

P.Mahimainathan

... Petitioner

vs.

1. The District Revenue Officer,
Collector Office, Sathuvacheri,
Vellore District.
2. The Revenue Divisional Officer,
Vellore District.
3. The Tahsildar,
Taluk Office, Vellore District.
- 4.Narayanaswamy

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance a Certiorarified Mandamus to call for the records relating to the proceedings of the 2nd respondent in Na.Ka.A2/4789/2010 dated 04.02.2011 as confirmed by the proceedings of the 1st respondent in Pa.Mu.D3/54135/09 dated 09.07.2012 and quash the same as far as against the portion of the order in not restoring the patta 325907/1982 granted in favour of the petitioner's father while restoring the patta granted in the name of the petitioner's grandmother during the year 30.07.1974 and thereby direct the respondents 1 and 2 to restore the patta 325907/1982 granted in favour of the petitioner's father over the land measuring an extent of 0.31 cents comprised in S.No.23/3A at Idayan Sathu Village, Vellore District.

For Petitioner : M/s.R.Gowri

For RR1 to 3 : Mr.Akhil Akbar Ali
Government Advocate

O R D E R

The writ petition has been filed seeking for issuance a Certiorarified Mandamus to call for the records relating to the proceedings of the 2nd respondent in Na.Ka.A2/4789/2010 dated 04.02.2011 as confirmed by the proceedings of the 1st respondent in Pa.Mu.D3/54135/09 dated 09.07.2012 and quash the same as far as against the portion of the order in not restoring the patta 325907/1982 granted in favour of the petitioner's father while restoring the patta granted in the name of the petitioner's grandmother during the year 30.07.1974 and thereby direct the respondents 1 and 2 to restore the patta No.325907/1982 granted in favour of the petitioner's father over the land measuring an extent of 0.31 cents comprised in S.No.23/3A at Idayan Sathu Village, Vellore District.

2.Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents 1 to 3. Even though, notice has been served on the fourth respondent, there is no representation.

3.The grievance of the petitioner is that originally the patta stood in the name of his father to the extent of 0.31 cents in S.No.23/3A at Idayan Sathu Village, Vellore District and the authorities concerned have gone into the disputed question of fact and granted patta in favour of the petitioner's grandfather. According to the petitioner, when there is a disputed question of fact with regard to title, the authorities under the Patta Pass Book Act cannot decide the title between the parties. The Hon'ble Division Bench of this Court by its judgement dated 28.07.2011 reported in 2011(5) CTC 94 (Vishwas Footwear Company Ltd., rep. by its Director, V.Ravi Vs. The District Collector, Kancheepuram and 4 others), has categorically held that the revenue authorities have no right to decide the question of title and directed the parties to work out their remedies before the civil court.

4.In view of the above, the impugned order in this writ petition is interfered with and the patta is directed to be restored to the original position. On the disputed question of fact, the aggrieved parties are directed to work out their remedies before the appropriate civil court.

5.The writ petition is disposed of, with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

19.07.2017

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To

1. The District Revenue Officer,
Collector Officer, Sathuvacheri,
Vellore District.
2. The Revenue Divisional Officer,
Vellore District.
3. The Tahsildar,
Taluk Office, Vellore District.

+lcc to Mrs.R.Gowri, Advocate Sr. 50353

W.P.No.24760 of 2012

LRS (CO)
VR(16/8/2017)

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