

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.05.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.12266 of 2018
and W.M.P.No.14330 of 2018

K.P.Shanmugam

..Petitioner

... Vs ...

1. The District Collector,
District Collector Office,
Salem-1
2. The Superintendent of Police,
Nethimedu,
Salem District,
Salem-2
3. The Thasildar,
Vazhapadi Taluk Office,
Salem District
4. The Pirka Surveyor,
Vazhapadi Circle,
Vazhapadi Taluk Office,
Salem District
5. The Inspector of Police,
Vazhapadi Police Station,
Vazhapadi,
Salem District

6. Palanisamy @ Aandavar

7. Subbananth

.. Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the third respondent to issue patta in respect of the petitioner's property in survey No.64/5 which is situated at Agrahara Valapadi Village, Valapadi Taluk, Salem District pursuant to the petitioner's representation dated 12.03.2018.

For Petitioner : Mr.R.Thirumoorthy
For RR1 to 5 : Mr.S.Kamalesh Kannan,
Government Advocate

O R D E R

The relief sought for in this writ petition is for a direction to the third respondent to issue patta in respect of the petitioner's property in survey No.64/5 which is situated at Agrahara Valapadi Village, Valapadi Taluk, Salem District pursuant to the petitioner's representation dated 12.03.2018.

2. Merely based on the representation submitted by the writ petitioner, the High Court cannot issue any direction to grant patta or not to grant patta. Grant of patta has to be dealt with under the provisions of the Patta Passbook Act. Procedures to be followed by the competent authorities for grant of patta. The writ petitioner has not established even a semblance of legal rights so as to entertain this writ petition for the relief as such sought for. In the event of any dispute in relation to the title or ownership in respect of the property, then the respective parties are at liberty to approach the competent Civil Court of law for the redressal of their grievances. It is made clear that the Tahsildar or the District Collector cannot decide the title or ownership of the person in respect of the property. The competent authority alone is empowered to decide the title in respect of the property claimed by the person concerned.

3. In any event, High Court cannot issue any direction for grant of patta in favour of any person in the absence of establishing any legal right. Thus, the writ petitioner is at liberty to approach the competent authority under the provisions of the Patta Passbook Act by submitting proper application in accordance with the procedures contemplated.

4. With these observations, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(Comp)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
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Vazhapadi Taluk Office,
Salem District
5. The Inspector of Police,
Vazhapadi Police Station,
Vazhapadi,
Salem District

+1cc to Mr.R.Thirumoorthy, Advocate, S.R.No.33470

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CNR(CO)
CS/08/06/18



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