

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.15249 of 2018

and

W.M.P.Nos.18078 to 18080 of 2018

A.Ravi ...Petitioner

Vs.

1.The District Collector
Thiruvannamalai
Office of the District Collector
Thiruvannamalai.

2.The Tahsildar
Vandavasi Taluk
Vandavasi, Thiruvannamalai District.

3.The Village Administrative Officer
Ammudur Village, Vandavasi Taluk
Thiruvannamalai District.

4.Rani ... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining issuance of Joint Patta bearing No.221, dated 01.06.2018 issued by second respondent and quash the same and consequently, direct the second respondent to restore the patta in favour of the petitioner.

For Petitioner : Mr.K.Venkateswaran

For Respondents : Mr.V.Jayaprakash Narayanan

[For R1 to R3]

Special Government Pleader

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O R D E R

The relief sought for in this writ petition is to call for the records pertaining to issuance of Joint Patta bearing No.221, dated 01.06.2018 issued by the second respondent and quash the same and consequently, direct the second respondent to restore the patta in favour of the petitioner.

2.The learned counsel appearing on behalf of the writ petitioner strenuously and forcibly contended that no notice or

proceedings was issued to the writ petitioner before issuing joint patta in favour of the writ petitioner and the fourth respondent. The procedures as contemplated has not been followed by the second respondent before issuing the impugned order. Thus, there is a violation of principles of natural justice and on this ground, he is constrained to move this present writ petition before this court under Article 226 of the Constitution of India.

3.It is contended that the writ petitioner is the absolute owner of the land in question. The patta had already been issued in the name of the writ petitioner. The respondents ought not to have issued the joint patta without hearing the writ petitioner.

4.The learned Special Government Pleader appearing on behalf of the respondents 1 to 3 opposed the contention by stating that Section 10 of the Patta Pass Act, 1983, provides modifications of entries in the Patta Passbook Act. Accordingly, the Tahsildar found that it is the family property and made changes under the Patta Passbook Act by including the fourth respondent, who is none other than the sister of the writ petitioner. Thus, there is no illegality as such and issuance of the joint patta both in the name of the writ petitioner as well as the fourth respondent. This apart, if at all the writ petitioner is aggrieved from and out of the order passed by the Tahsildar, the petitioner is at liberty to approach the Revenue Divisional Officer, under Section 12 of the Patta Passbook Act. When an appeal provision is provided, no writ can be entertained at this stage.

5.Considering the arguments as advanced both by the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents, this court is of an opinion that institutional respects are to be maintained. Intermittent intervention in official proceedings need not be entertained in a routine manner. Only on exceptional circumstances, the high court can exercise the power of judicial review during the intermittent interventions. When the Revenue proceedings are in progress or the appeal provisions is provided under the Statute, it is always preferable that the person aggrieved shall be permitted to approach the authorities under the provisions of the Act. Only after exhausting the statutory remedies, the writ petition can be entertained. The powers conferred under the Act to the authorities must be allowed to be exercised in all respects. Only in the event of any gross injustice, a high court can entertain a writ petition in a pending proceedings and not otherwise.

6.In the present case on hand, wherein the petitioner claims that he is the original patta holder and the second respondent had issued a joint patta in favour of the writ petitioner and the fourth respondent. Thus, it is left open to

the writ petitioner to approach the appellate authority under the Patta Passbook Act for an effective adjudication. If at all an appeal is filed, the appellate authorities are bound to consider the grounds raised in the appeal and pass orders on merits and in accordance with law. If at all any dispute in title or otherwise, the same cannot be adjudicated by the Revenue Officials. In the event of any dispute in respect of the title or ownership or otherwise, the respective parties are at liberty to approach the competent court of law. But it is made clear that the Revenue Officials are incompetent to adjudicate the title, ownership or possession of the immovable properties under the provisions of the Patta Passbook Act. Patta Passbook can be issued only to the owner. Thus, there should not be any dispute in respect of the ownership. In case any dispute the competent civil court of law can only decide the issues. Under these circumstances, the writ petitioner is at liberty to approach the competent court of law in the manner known to law.

7. With these observations, this writ petition stands disposed of. Consequently, connected miscellaneous petitions are closed. However, there shall not be no order as to costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector
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Office of the District Collector
Thiruvannamalai.

2. The Tahsildar
Vandavasi Taluk
Vandavasi, Thiruvannamalai District.

3. The Village Administrative Officer
Ammudur Village, Vandavasi Taluk
Thiruvannamalai District.

+1cc to Mr.K.Venkateswaran, Advocate sr.no.40255
+1cc to Government Pleader in sr.no.40372

W.P.No.15249 of 2018

nr 04/07/2018