

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25-06-2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.Nos.15407 to 15418 of 2018

N.Baskar	..	Petitioner in WP 15407/2018
Veeran	..	Petitioner in WP 15408/2018
R.Rani	..	Petitioner in WP 15409/2018
B.Radha	..	Petitioner in WP 15410/2018
R.Kolanchiammal	..	Petitioner in WP 15411/2018
A.Devaki	..	Petitioner in WP 15412/2018
N.Maheswari	..	Petitioner in WP 15413/2018
K.Parvathi	..	Petitioner in WP 15414/2018
N.Krishnan	..	Petitioner in WP 15415/2018
R.Durai	..	Petitioner in WP 15416/2018
A.Anbalagan	..	Petitioner in WP 15417/2018
A.Nallammal	..	Petitioner in WP 15418/2018

Versus

The Revenue Divisional Officer,
Perambalur,
Perambalur District. ... Respondent in all WPs

PRAYER: Writ petitions are filed under Article 226 of the Constitution of India praying for the issuance of Writs of Mandamus, directing the respondent to dispose of the petitioners appeal petition dated 30.11.2016 pending on the file of the respondent in Na.Ka.No.A2/5171/2016, A2/5171/2016, A2/5171/2016, A2/5175/2016, A2/5174/2016, A2/5171/2016, A2/5180/2016, A2/5170/2016, A2/5176/2016, A2/5173/2016, A2/5172/2016 and A2/5179/2016 respectively within the time frame fixed by this court.

For Petitioner in all WPs : Mr.N.Manokaran

For Respondent in all WPs : Mr.V.Jayaprakash Narayanan,
Special Government Pleader.

COMMON ORDER

The reliefs sought for in these writ petitions are for a direction to direct the respondent to dispose of the petitioners appeal petition dated 30.11.2016 pending before the respondent.

2. The grievances of the writ petitioners are that they have purchased the land for consideration on execution of Sale Deed. The writ petitioners have applied for patta before the Tahsildar concerned, who in turn conduct an enquiry and rejected the applications submitted by the writ petitioners for grant of patta. Against the order of rejection, the writ petitioners have filed an appeal under Section 12 of the Patta Pass Book Act, before the Revenue Divisional Officer.

3. The learned counsel, appearing on behalf of the writ petitioners, states that the appeal is pending for more than 1-1/2 years and that therefore, there is a long delay in disposing the appeal. Thus, the writ petitioners are constrained to move the present writ petitions.

4. The learned Special Government Pleader, appearing on behalf of the respondent, opposed the contentions of the writ petitioners by stating that the land in question was assigned on certain terms and conditions by the State. The original assignees had violated the terms and conditions of the assignment. Therefore, the entire sale of properties in favour of the writ petitioners became null and void. Hence, the rejection of the patta by the Tahsildar is in accordance with the terms and conditions of the assignment and there was no irregularity as such.

5. This Court is of an opinion that title, ownership or possession can never be decided by the Revenue Officials under the provisions of the Patta Pass Book Act. Patta can be issued only in favour of a owner under the provisions of the Act. If there is any dispute in respect of the title or ownership, then the respective parties have to approach the competent Civil Court of Law. It is made clear that neither the Tahsildar nor the Revenue Divisional Officer is competent to adjudicate the title and ownership in respect of the immovable property. However, the learned Special Government Pleader states that the land in question is a conditional assignment land and the patta has not been granted on account of certain violations.

6. May that it be. This Court is of an opinion that the writ petitioners have raised certain grounds in the appeal in respect of the allegations set out. However, it is a statutory appeal filed under Section 12 of the Patta Pass Book Act and the same

is to be disposed of at the earliest possible.

7. In this view of the matter, the respondent is directed to conduct an enquiry, by affording opportunity to all the parties concerned, and decide the appeal on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

8. Accordingly, the writ petitions stand disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Svn

To

The Revenue Divisional Officer,
Perambalur,
Perambalur District.

+12cc to Mr.N.MANOKARAN, Advocate, S.R.No. 40194 to 40205

+1cc to the Government Pleader, S.R.No.40383

W.P.Nos.15407 to 15418 of 2018

GMR(CO)
TR(29/06/2018)

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