

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09-07-2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.29817 of 2013

And

M.P.No. 2 of 2013

1.S.R.Velu S/o.Raghavan(Late)
2.Maheswari ... Petitioners

Versus

1.The Tahsildar,
Mathuranthagam,
Kancheepuram District.
2.Divisional Deputy Tahsildar,
Sithanoor Taluk,
Kancheepuram District.
3.Revenue Divisional Officer,
Mathuranthagam,
Kancheepuram District.
4.Anthonraj ... Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of patta issued by the first respondent in favour of the fourth respondent bearing patta No.22 dated nil and quash the same and consequently direct the first respondent to issue patta in the name of the petitioners by considering the petitioners' representation dated 11.7.2013.

For Petitioners : Mr.I.Arockia Selvaraj
For Respondents-1to3 : Ms.A.Sri Jayanthi,
Special Government Pleader.
For Respondent-4 : Mr.N.E.A.Dinesh

O R D E R

The relief sought for in this writ petition is to call for the records of patta issued by the first respondent in favour of the fourth respondent bearing Patta No.22 dated nil and quash the same and direct the first respondent to issue patta in the name of the petitioners by considering the petitioners' representation dated 11.7.2013.

2. The grievances of the writ petitioners are that the first respondent-Tahsildar issued a patta in favour of the fourth respondent. If at all, the patta has been issued in favour of the fourth respondent, it is left open to the writ petitioners to approach the Appellate Authority under the provisions of the Patta Pass Book Act, 1983 for redressal of their grievances.

3. Contrarily, no direction can be sought for to issue patta in favour of the writ petitioners by filing the writ petition based on their representation. Patta can be issued to the owner and the Revenue Officials have no authority to adjudicate the title, ownership or possession in respect of the immovable properties. In the event of establishing the ownership, the Revenue Officials are empowered to issue patta under the provisions of the Patta Pass Book Act, 1983.

4. Under these circumstances, it is left open to the writ petitioners to approach the Appellate Authority under Section 12 of the Patta Pass Book Act, 1983, against the patta granted in favour of the fourth respondent. Contrarily, this Court cannot adjudicate the title or ownership of the property in question and issue direction for the grant of patta in favour of the writ petitioners based on their representation. Thus, the very relief sought for by the writ petitioners, cannot be granted in a writ proceeding under Article 226 of the Constitution of India and it is left open to the writ petitioners to approach the Appellate Authority.

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Svn

To

1.The Tahsildar,
Mathuranthagam,
Kancheepuram District.

2.Divisional Deputy Tahsildar,
Sithanoor Taluk,
Kancheepuram District.

3.Revenue Divisional Officer,
Mathuranthagam,
Kancheepuram District.

+1cc to M/s.V.Nicholas, Advocate sr.no.44436
+1cc to Government Pleader sr.no.44950

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