IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2018

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

W.P.No.961 of 2016

P.Palani ..Petitioner

vs

1.The District Collector of Tiruvannamalai District,
Collectorate, Tiruvannamalai.

2.The District Revenue officer,
Tiruvannamalai.

3.The Tahsildar,
Arni Taluk,
Tiruvannamalai District. ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order of the 3rd Respondent dated 25.03.2014 made in Na.Ka.G1/15106/2012 and to quash the same and direct the 3rd respondent to change the Revenue records in the name of the Petitioner as per sale deed dated 09.11.1955, registered as Doc.No.3112 of 1955 and Release Deed dated 05.08.2008 registered as Doc.No.7984 of 2008, both document registered at the office of the Sub Registrar, Arni and to grant Patta to the Petitioner's property in Punja Survey No.110/3, measuring 3.69 cents(160884 sq.ft.,) comprised in Paimash No.206, in Marusur Village, Arni Taluk, Tiruvannamalai District.

For Petitioner : Mr.T.Dhanasekaran

For Respondents : Mrs.A.Srijayanthi, Spl GP

O R D E R

The order passed by the Tahsildar in proceedings dated 25.03.2014 under the provisions of the Patta Pass Book Act, 1983 (hereinafter referred to as the Act) is under challenge in this writ petition.

2.The learned counsel appearing on behalf of the writ petitioner states that the land, which is described in the present writ petition was purchased by the father of the writ petitioner late.Sri.Pachaiappa on 09.11.1955 from his vendor namely Shri Jagadeesa Udayar by way of a registered sale deed in Doc.No.3112/1955 on the file of the Sub Registrar, Arni, Tiruvannamalai District. The petitioner claims that he is in possession and enjoyment of the property in question. The petitioner submitted an application seeking Patta under the provisions of the Act. However, the application submitted was not considered and rejected by the Tahsildar in proceedings dated 25.03.2014, which is impugned in the present writ petition.

3.Under Section 3 of the Act, a Patta can be issued to an "Owner" of the property. Thus, the Act states unambiguous that a patta can be issued to an owner, if an application is made properly in accordance with law and such a patta can be issued by a competent authority after conducting an enquiry in the manner known to law. However, in the present case, the Tahsildar rejected the claim of the writ petitioner for grant of patta. This apart, in respect of title or ownership, the revenue officials are incompetent to adjudicate the same. If the ownership has been established by the person, who submits an application seeking patta, then alone, the same can be granted in accordance with the provisions of the Act. In the event of any dispute, the revenue officials cannot adjudicate the title, ownership or possession in respect of an immovable property. However, against the order passed by the original Authority/the Tahsildar, an appeal is provided under the provisions of the Act before the Revenue Divisional Officer.

4.Thus, the writ petitioner is at liberty to adjudicate his case before the Appellate Authority by producing all necessary documents and adducing evidences. The authority competent on receipt of any such appeal, shall adjudicate the same by providing reasonable opportunity to all the parties concerned and pass orders on merits and in accordance with law. However, such complex facts and circumstances in relation to the documents, title or otherwise cannot be adjudicated in a writ proceedings under Article 226 of the Constitution of India.

5.This being the factum of the case, no further adjudication needs to be entertained and the writ petitioner is at liberty to approach the Appellate Authority in the manner known to law.

6.Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector of Tiruvannamalai District,
Collectorate, Tiruvannamalai.

2.The District Revenue officer,
Tiruvannamalai.

3.The Tahsildar,
Arni Taluk, Tiruvannamalai District.

+1cc to the Government Pleader Sr.56830

srg 5/9/2018