



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.5737 of 2016

and

W.M.P. (MD) Nos. 5163 and 7754 of 2016

Sivanathan

... Petitioner

Vs.

1. The District Revenue Officer,
Pudukottai District,
Pudukottai.

2. The Tahsildar
Manamelgudi Taluk Office,
Pudukottai District.

3.A.Sivaprakasam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the entire records relating to impugned order of the first respondent in Na.Ka.No.149/14/T3 dated 08.03.2016 and quash the same.

For Petitioner	: Mr.R.Devaraj
For R1 and R2	: Mr.R.Sethuraman Special Government Pleader
For R3	: Mr.Niranjan S.Kumar

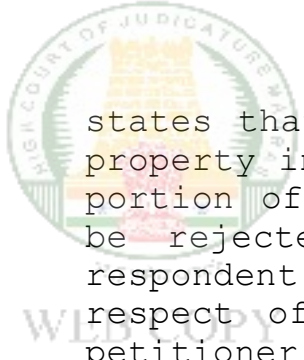
ORDER

The order dated 08.03.2016 passed by the District Revenue Officer is under challenge in this writ petition.

2. The grievance of the writ petitioner is that the property in question is in possession of the writ petitioner and further he claims that the vendor of the writ petitioner was in possession of the patta passbook right from the year 1932 onwards. Thus the patta granted in the year 1932 was cancelled now by the respondent in the impugned proceedings dated 08.03.2016 and therefore the same is liable to be set aside.

<https://hcservices.ecourts.gov.in/hcservices/>

3. The learned counsel appearing on behalf of the respondent



states that the contested respondent is the absolute owner of the property in question and the patta was cancelled in respect of the portion of the property alone and the writ petition is liable to be rejected. When the writ petitioner as well as the third respondent claims ownership, this Court cannot decide the title in respect of the property in question. It is left open to the petitioner as well as to the respondents to approach the competent Civil Court for the purpose of adjudicating the title and ownership of the property in question.

4. The proceedings are initiated under the Patta Passbook Act, 1983 by the competent authority. When an application is made in this regard, the competent authorities under the Act, pass an order based on the documents available before them. When the parties claim that they are the owners of the respective portion of the property then the civil Court has to adjudicate the grievances of the petitioner and the third respondent. In this regard, it is relevant to cite Section 14 of the Tamil Nadu Patta Passbook Act, 1983 which deals with bar of suits and the same is extracted hereunder.

"14. Bar of suits - No suit shall lie against the Government or any officer of the Government in respect of a claim to have an entry made in any patta pass book that is maintained under this Act or to have any such entry omitted or amended:

Provided that if any person is aggrieved as to any right of which he is in possession, by an entry made in the patta pass book under this Act, he may institute a suit against any person denying or interested to deny his title to such right, for a declaration of his right under Chapter VI of the Specific Relief Act, 1963 (Central Act 47 of 1963) ; and the entry in the patta pass book shall be amended in accordance with any such declaration."

5. The proviso clause categorically enumerates that in the event of any dispute in respect of the entries made in the patta passbook, the respective parties have to establish their title and in this regard, they are at liberty to approach the competent Civil Court. However, this Court cannot entertain the arguments advanced by the learned counsel for the writ petitioner in respect of the ownership or title more specifically in this writ petition under Article 226 of Constitution of India, so also by the third respondent in this regard. However all the respective parties are at liberty to approach the competent civil Court for the purpose of effective adjudication of their title and ownership including for grant of any interim orders.

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6. In view of this no further consideration is required in this writ petition, accordingly, this writ petition stands



disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar (CS-I)

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/True Copy/

Sub Assistant Registrar

To

1. The District Revenue Officer,
Pudukottai District,
Pudukottai.

2. The Tahsildar
Manamelgudi Taluk Office,
Pudukottai District.

+ 1 cc TO Mr.Niranjana S.Kumar , Advocate in SR No. 53058

+ 1 cc TO Mr.R.Devaraj , Advocate in SR No. 53062

+ 1 cc TO The Special Government Pleader in SR No. 53689

pnn

AE/CVC/SAR3/15.03.2018/6C/3P

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