BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 03.12.2019
CORAM
THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**
W.P.(MD)No.25750 of 2015

A.Arumugam ... Petitioner

vs.

1.The District Collector,
Madurai District, Madurai.

2.The District Revenue Officer,
Madurai District, Madurai.

3.The Revenue Divisional Officer,
Madurai.

4.The Tahsildar,
Vadipatti Taluk,
Madurai District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to issue patta to the petitioner, relating to his two house site properties item (1) an extent of 4.5/8 cents at the center portion in the Western side of 75 cents in Resurvey No.89/4 in Chinnamanayakkenpatti Village Vadipatti Taluk, Madurai District and Item (2) an extent of 1/2 cent at the center portion in the Southern side of 75 cents in Re-survey No.89/4 in Chinnamanayakkenpatti Village Vadipatti Taluk, Madurai District on the basis of his online representation dated 28-06-2019 given to the fourth respondent.

For Petitioner :Mr.D.Gandhiraj
For Respondents :Mr.C.Ramar
Additional Government Pleader

O R D E R

This Writ Petition is filed for issuing a Writ of Mandamus, to direct the respondents to issue patta to the petitioner relating to his two house plots alleged to have been purchased by him vide document, dated 13.02.1978.

2.The petitioner claims ownership over an extent of 4.5/8 cents and another 1/2 cent out of larger extent of a land in S.No.89/4 in Chinnamanayakkenpatti Village, Vadipatti Taluk, Madurai District. The ownership claimed by the petitioner is on the basis of the sale deed, dated 13.02.1978, which also refers to another document, dated 15.06.1967. By this document, the petitioner's vendor had acquired the property.

3.Be that as it may, the petitioner has not produced any records to show the title of petitioner's vendor or the revenue records to show that the petitioner's predecessor-in-interest, who sold the property to the petitioner, were recognised as registered owners of the land by the revenue officials. In such circumstances, this Court has to see the scope of enquiry under the provisions of Tamil Nadu Patta Pass Book Act, 1983. Modification of entry by Tahsildar is permissible under the Tamil Nadu Patta Pass Book Act 1983, only in the following circumstances:

> "*(a)When a modification of entry is required by reason of the death of any person from the name of the deceased to his legal heir;*
>
> *(b)When a modification is required by transfer of interest in the land, from the person, who sold the property to the person, who has acquired the property by transfer; and*
>
> *(c)When a modification is required by reason of any other specific change in circumstances or by an order of Civil Court declaring the right of an individual."*

4.In the present case, the petitioner's application for mutation of revenue records can be considered by Tahsildar concerned only, if the petitioner's vendor is the registered owner, as per the revenue records or patta had already been issued to the petitioner's vendor or his predecessor-in-title. Having regard to the scope of enquiry and the jurisdiction vested in the authorities under Tamil Nadu Patta Pass Book Act, this Court cannot entertain a Writ Petition to issue direction to the revenue authorities to consider the application for mutation of records in favour of the petitioner unless revenue entries reflect in the name of predecessor-in-title. However, if the petitioner is able to produce any authenticated documents or conveyance, the respondent Tahsildar may consider the representation of the petitioner, whether it falls within the scope of enquiry, indicated above due to change in circumstances, which enables the revenue officials to entertain an application for modification of entries in Patta Pass Book.

5.With the above observation, this Writ Petition is disposed of and the respondents shall consider the representation of the petitioner, dated 27.03.2019 in the light of the observation made above and in the manner known to law. The fourth respondent shall pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order. In case, the fourth respondent is not convinced, it is also open to the petitioner to approach the Civil Court to establish his title and seek proper modification in revenue records as per law thereafter. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar(CS)

cmr

To
1.The District Collector,
   Madurai District, Madurai.

2.The District Revenue Officer,
   Madurai District, Madurai.

3.The Revenue Divisional Officer,
   Madurai.

4.The Tahsildar,
   Vadipatti Taluk, Madurai District.

+1 CC to M/s.D.GANDHIRAJ, Advocate (SR-103137[F] dated 03/12/2019)
+1 CC to M/s.SPL GP (SR-103280[F] dated 04/12/2019)

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