



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.01.2020

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD)No.15541 of 2015

and

M.P. (MD)Nos.2 and 3 of 2015

WEB COPY

Ganesan

... Petitioner

vs

1.The District Collector,
Dindigul District, Dindigul.

2.The Tahsildar,
Dindigul West Taluk, Dindigul.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to issue patta to the petitioner for the property in S.No.1024/5 in Akaram Village, Dindigul West Taluk, admeasuring 814 Sq.ft by considering the representation of the petitioner, dated 07.05.2015 within a time frame that may be stipulated by this Court.

For Petitioner

:Mr.S.C.Herold Singh

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 for the property in S.No.1024/5 in Akaram Village, Dindigul West Taluk, admeasuring 814 Sq.ft by considering the representation of the petitioner, dated 07.05.2015.

2.The petitioner states that he is in possession and enjoyment of a small extent of property, measuring to an extent of 814 sq.ft., in S.No.1024/5 in Akaram Village, Dindigul West Taluk. It is the case of the petitioner that he is in possession and enjoyment of the property for a long number of years and that the property was occupied by his parents and grant parents from time immemorial. Stating that the petitioner has constructed a house in the property and that the building is also assessed to property tax, the petitioner has approached the respondents for issuing patta in respect of the property measuring to extent of 814 sq.ft in S.No.1024/5. Since the respondents have not passed any order, the petitioner has approached this Court for issuing a Writ of Mandamus.



3.The learned Government Advocate has produced before this Court, the revenue record to show that the entire property in S.No. 1024/5 (measuring an 0.43.0 hectare) is registered in the name of one Susai, son of Anthony. The petitioner has neither impleaded the said Susai nor his legal heir. In the affidavit, there is no reference to any transactions to show that the petitioner has got a lawful claim by getting a conveyance or transfer of land from the said Susai. Hence there is a rival claim and the petitioner is not the owner as per the revenue records.

4.The name of the petitioner or his predecessor-in-interest were not shown as the registered owner of the land as per the revenue records. In such circumstances, the second respondent or any other revenue authority is not competent authority to decide the title or right of the petitioner. Even under the Patta Pass Book Act, the Tahsildar or any Officer under the Act, can only modify records, in a case, where the person, who seeking modification, shown that the modification is required in terms of Section 12 of Patta Pass Book Act. In the present case, the petitioner has not produced any documents or revenue records to decide his plea that he should be given patta for the land. This Court does not find any merit in the Writ Petition. Accordingly, this Writ Petition is dismissed as devoid of merits. However, it is open to the petitioner to approach the Civil Court to get a declaration of his title. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cmr

To

1.The District Collector,
Dindigul District, Dindigul.

2.The Tahsildar,
Dindigul West Taluk, Dindigul.

+1 CC to SPL.GP (SR-676[F] dated 08/01/2020)

+1 CC to Mr.S.C.HEROLD SINGH, Advocate (SR-667[F] dated 08/01/2020)

W.P.(MD)No.15541 of 2015
07.01.2020

VB(27.01.2020) 2P 5C

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