



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2020

CORAM

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

W.P. (MD)No.26224 of 2019

WEB COPY

L.Bharath

... Petitioner

vs

1.The District Collector,
Virudhunagar District, Virudhunagar.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Aruppukottai, Virudhunagar District.

3.The District Revenue Officer,
Office of the District Revenue Officer,
Virudhunagar District.

4.The Tahsildar,
Aruppukottai Taluk,
Virudhunagar 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 consider and pass orders on the petitioner's representation, dated 06.08.2019 for the issuance of patta for the lands situated in Virudhunagar District, Sivakasi, Injar Village, S.Nos.1324/2, 1325/1 and 1324/1 to a total extent of 4.88 Acres within a stipulated time as fixed by this Court, after giving opportunity to the persons interested.

For Petitioner	:Mr.N.Anandkumar
For Respondents	: MC.Ramar
	Additional Government Pleader

O R D E R

This Writ Petition is filed for issuing a Writ of Mandamus to direct the respondents consider the petitioner's representation, dated 06.08.2019 for issuing patta in favour of the petitioner for the land in S.Nos.1324/2, 1325/1 and 1324/1, measuring to an extent of 4 acres 88 cents.



2.The petitioner's claim to the property is on the basis of a prior document. However, the learned Additional Government Pleader has produced before this Court, a copy of 'A' register to show that the property has been registered in the holdings of several other persons and the petitioner is not shown as the owner of the property. It is also seen in the records that the petitioner's predecessor-in-title were not shown as owners of the land, as per 'A' register produced before this Court. In such circumstances, the respondent authorities, who have no jurisdiction or power to decide the title, cannot be directed to issue patta to the petitioner. Any the claim for modification of entries in revenue entries can be done only as per the provisions of Tamil Nadu Patta Passbook Act. The Tahsildar or the appellate authority under Tamil Nadu Patta Passbook Act has no jurisdiction to modify the revenue records contrary to Section 12 of Tamil Nadu Patta Passbook Act. 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."

3.In such circumstances, the Writ Petition is dismissed. However, it is open to the petitioner to file a Civil suit to establish his title. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cmr

To

1.The District Collector,
Virudhunagar District, Virudhunagar.



2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Aruppukottai, Virudhunagar District.

3.The District Revenue Officer,
Office of the District Revenue Officer,
Virudhunagar District.

4.The Tahsildar,
Aruppukottai Taluk,
Virudhunagar District.

+1 CC to SPL GP (SR-431[F] dated 07/01/2020)

W.P. (MD) No. 26224 of 2019
06.01.2020

VB(24.01.2020) 3P 6C