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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.12876 OF 2013

C.A.Gabriel

... Petitioner

-Vs-

1. The District Revenue Officer,
Office of the Collectorate,
Sathuvachari,
Vellore District.
2. The Sub Collector
Ranipet, Vellore District.
3. S.Pushparaj

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records from the file of the first respondent made in Ref. No.Mu.Mu.38228/2012 dated 08.12.2012 and quash the same and directing the first respondent to issue patta in petitioner's name in respect of the property bearing Survey Nos.352/1A to an extent of 0.78.0 Hectares and 353/1 to an extent of 0.13.5 Hectares, situated at Uriyur Village, Arakkonam Taluk, Vellore District.

For Petitioner : Mr.V.Raghavachari
for Mr.K.Balaji

For R1 & R2 : Mr.M.R.Gokul Krishnan
Government Advocate.

For R3 : Mr.G.Jeremiah



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ORDER

This writ petition has been filed challenging the order passed by the first respondent thereby confirming the order passed by the second respondent.

2. Heard Mr.V.Raghavachari, learned counsel appearing for the petitioner, Mr.M.R.Gokul Krishnan, learned Government Advocate appearing for the respondents 1 & 2, and Mr.G.Jeremiah, learned counsel appearing for the third respondent.

3. The case of the petitioner is that the petitioner is in possession and enjoyment of the subject property from the year 1945 onwards, originally through his predecessors. Thereafter, the subject property devolves upon the petitioner through a partition deed dated 22.11.2006 registered vide document No. 476 of 2006. However, the third respondent has given representation to the second respondent to cancel the patta issued in favour of the petitioner. During enquiry, the petitioner as well as the third respondent appeared for enquiry and the patta was cancelled issued in favour of the petitioner herein. Aggrieved by the same, the petitioner filed review before the first respondent and the same was also dismissed, confirming the order passed by the second respondent.

4. The provision of Section 14 of the Patta Pass Book Act, reads as follows:

''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 rights 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. Therefore, this Court cannot decide the title in question in respect of the subject property in the writ petition filed under Article 226 of the Constitution of India. Therefore, this writ petition is devoid of merits. However the petitioner is at liberty to file a suit for title in the manner known to law. If the petitioner succeeds in the suit, he can very well apply for issuance of patta before the authority concerned.



6. In the result, the Writ Petition stands dismissed.
There shall be no order as to costs.

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Sd/-
Assistant Registrar(CJ CONF)

// True Copy //

Sub Assistant Registrar

Lpp/mn

To

1. The District Revenue Officer,
Office of the Collectorate,
Sathuvachari,
Vellore District.
2. The Sub Collector,
Ranipet, Vellore District.

+1cc to Mr.K.Balaji, Advocate, S.R.No.45494

+1cc to the Government Pleader, S.R.No.45877

W.P.No.12876 of 2013

SRA(CO)
RLP(27/09/2021)