

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2021

CORAM

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

W.P.No.30018 of 2011
and
M.P.No. 1 of 2011

1.Munusamy
2.Chinnammal

... Petitioner

vs

1.Elumalai
2.Samandhi

3.The Thasildar,
Polur Taluk, Polur,
Thiruvannamalai District.

4.The Taluk Surveyor,
Polur Taluk, Polur,
Thiruvannamalai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the Original Kidampalayam Patta No.644, 382, 131, 786 standing in the name of the petitioners and the respondents 1 and 2 from the file of the 3rd respondent and quash the same and direct the respondents 3 and 4 to survey and identify Kidampalayam Survey No.155, 3 acre 3 cents and grant fresh Patta to the petitioner and respondents 1 and 2 basing upon the document of title in respect of Survey No.155, 3 acre 3 cents.

For Petitioners : Ms.R.T.Sundari

For Respondents : Mr.E.P.Senniyangi (For R1)

Mr.N.Nanmaran (For R2)

Mr.M.Elumalai (For R3 and R4)
Additional Government Pleader.

O R D E R

This writ petition is filed for issuing a Writ of Certiorarified Mandamus, calling for the Original Kidampalayam Patta Nos.644, 382, 131, 786 standing in the name of the petitioners and the first and second respondents from the file of the third respondent and to quash the same and to direct the third and fourth respondents to survey and identify Kidampalayam Survey No.155, 3 acre 3 cents and grant fresh patta to the petitioner and first and second respondents based upon the document of title in respect of Survey No.155, 3 acre 3 cents.

2. Learned counsel for the petitioners states that the grievance of the petitioners is that the petitioners have not been given patta for the property which they are entitled as per the document of title. It is further stated that the first and second respondents have been given patta for an area which is more than the area to which they are entitled as per the document of title.

3. Learned counsel for the petitioners seeks an order from this Court to quash the order passed by the third respondent granting patta in favour of the first and second respondents herein and to survey and identify the property purchased by the petitioners and grant fresh patta to the petitioners and the first and second respondents based upon the documents of title in respect of an extent of 3 acre 3 cents in S.No.155 in Kidampalayam Village.

4. From the facts narrated and the documents produced before this Court, this Court is able to see that there is a dispute in respect of land on the basis of documents relied upon by the rival claimants. The petitioners are on one side and the first and second respondents are the on other side claiming title. It is not for the revenue authorities to decide the question of title and modify the revenue records on the basis of documents produced by the individual.

5. The scope of enquiry and the jurisdiction of authorities to be exercised under the Tamil Nadu Patta Passbook Act, 1983 (hereinafter referred to as the 'Act' for short) has been reiterated by this Court in several precedents. Only on the basis of right devolves by succession or by transfer inter-vivos or again on the basis of decree declaring one's title, the revenue authorities are supposed to modify revenue records in terms of provisions of the Act.

6. In the present case, the petitioners have produced two sale deeds before this Court without any documents to support

the title of the petitioners' vendor. The prior revenue records or patta that was standing in the name of the petitioners' vendor, prior to the date of purchase by the petitioners is not produced before this Court.

7. In the said circumstances, it is not proper for this Court to give a direction to the revenue officials to decide or to consider the prayer of the petitioners to give patta to the petitioners. Having regard to the scope of power conferred on the third respondent under the Act, the disputed questions relating to the title cannot be relegated to the revenue officials. When there is no issue among the joint pattadars regarding their individual holding, subdivision proceedings can be initiated. When there is dispute regarding title or possession, the revenue officials cannot be directed to survey and identify the boundary between rival claimants.

8. Therefore, this Court is unable to grant any relief to the petitioners. However, it is open to the petitioner to approach the Civil Court to establish their title and enjoyment for a particular land as per his document and to approach thereafter the revenue officials for modification of the entries in revenue records or for subdivision in tune with the Civil Court's verdict.

9. With the above observations and liberty preserved to the petitioners, this Writ Petition is disposed of. No Costs. Consequently the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

DM

To

1. The Thasildar,
Polur Taluk, Polur,
Thiruvannamalai District.
2. The Taluk Surveyor,
Polur Taluk, Polur,
Thiruvannamalai District.

+1cc to the Government Pleader, S.R.No.15552

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M.P.No.1 of 2011

SMI (CO)
TE (19/04/2021)