

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.No.7348 of 2011
and
M.P No.1 of 2011

K.Janarthanan

.. Petitioner

Vs.

1.The District Collector
Namakkal District

2.The Revenue Divisional Officer
Namakkal District

3.The Tahsildar
Rasipuram Taluk
Namakkal District

4.The Assistant Engineer
Tamil Nadu Electricity Board
Namagiripet, Rasipuram Taluk
Namakkal District

5.Mrs.Sessammal
(R5 dismissed vide court order dated
15.12.2014)

6.Selladurai

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 3rd respondent to consider and pass orders on the representation dated 30.11.2010 to cancel the patta issued in favour of the respondents 5 and 6 for the land admeasuring 525 sq.ft. owned by the petitioner and requested to issue patta for the said land in favour of the petitioner.

For Petitioner : Mr.G.Pugazhenth

For R1 to R3 : Ms.A.Madhumathi

Special Government Pleader

For R4 : Ms.Sherilina
for N.Damodharan

For R6 : Ms.S.T.P.Kuilmozhi

O R D E R

This writ petition is filed for issuing a writ of mandamus, directing the 3rd respondent to consider and pass orders on the representation of the petitioner dated 30.11.2010 to cancel the patta issued in favour of the respondents 5 and 6 to an extent of 525 sq.ft. owned by the petitioner and requested to issue patta for the said land in favour of the petitioner.

2. The petitioner claimed title to the property on the basis of a registered sale deed dated 16.07.1986 in respect of a land measuring an extent of 1836 sq.ft. comprised in S. No.191 New S. No.196/2B in Seerapalli Village, Rasipuram Taluk, Namakkal District. It is the case of the petitioner that the entire property is in his possession and that patta was granted only in respect of an extent of 1311 sq.ft. in favour of the petitioner.

3. The petitioner, though, entitled to a larger extent of 1836 sq.ft., it is contended that the respondents failed to consider petitioner's genuine claim to get patta for the entire extent. The petitioner found that the registration of extent in his holdings as per the revenue record is on account of the fact that patta had been issued in favour of the respondents 5 and 6 to an extent of 119.5 sq.metres including an extent of 525 sq.ft. belonged to the petitioner. The petitioner claimed his title based on a sale deed under which he purchased the property on 16.07.1986. The petitioner has not produced any prior document of title or revenue record to show that his vendor was in possession and enjoyment of the whole extent that was conveyed to him in 1986. The petitioner cannot approach the revenue officials to declare his title on the basis of sale deed under which he purchased the land unless his vendor had his name entered as land owner or pattadar for the property acquired by him.

4. The Revenue officials, under the Tamil Nadu Patta Pass Book Act, are empowered to modify the records only on three contingencies, namely :

(a) By succession i.e. the entries can be modified in favour of the legal heirs of the person in whose favour patta stands, after the lifetime of the land owner;

(b) by transfer; i.e. patta can be

transferred from one to his successors by transfer in the manner known to law; and

(c) If title, is declared by a civil court in a lis between two rival claimants who are fighting for patta, the person in whose favour the title is declared by the civil court as against the other can seek modification of the records in tune with the judgment of the civil court in terms of Section 14 of the Tamil Nadu Patta Pass Book Act, 1983 provided the entries in revenue records stand in the name of loosing side.

5. In the present case, the petitioner cannot get conferment of title by getting patta from the revenue officials. Therefore, giving liberty to the petitioner to approach the civil court to establish his title in the manner known to law, the writ petition is dismissed. However, no order as to cost.

Asr

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

- 1.The District Collector
Namakkal District
- 2.The Revenue Divisional Officer
Namakkal District
- 3.The Tahsildar
Rasipuram Taluk
Namakkal District
- 4.The Assistant Engineer
Tamil Nadu Electricity Board
Namagiripet, Rasipuram Taluk
Namakkal District

+1cc to the Government Pleader, S.R.No.16262,16100

ssn(CO)

KKN(15/04/2021)

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