



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P. No. 12526 of 2021

Diocese of Madras-Church of South India

Rep.by.Rev.Dr.Manuel S.Titus

Hon Secretary

..Petitioner

Vs.

1. The District Collector,
First Floor,
Collectorate,
Thiruvallur 602 001.

2. The District Revenue Officer,
Office of the District Collector,
Collectorate,
Thiruvallur -602 001.

3. The Tahsildar,
Avadi Taluk Office,
Avadi,
Thiruvallur District.

4. The Village Administrative Officer,
VAO Office-Thiruninravur "A" Village,
Thiruninravur 602 024.

.. 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 in the name of the Church ie., "Church of South India Trust Association" in respect of property belonging to the petitioner situated at No.30, Dharmaraja Koil Street, Thiruninravur -602 024, comprised in Survey No.217/3 (Paimash No.1054) of Thiruninravur "A" Village, Avadi Taluk, Thiruvallur District, measuring an extent of 1 acre and 96 cents.

For Petitioner : Mr.Ralph V.Manohar

For Respondents : Mr.S. John J Raja Singh,
Govt. Advocate
Government of Tamilnadu



O R D E R

(The case has been heard through video conferencing)

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The lis on hand to issue a writ of mandamus to direct the respondents to issue patta in the name of Church i.e., "Church of South India Trust Association" in respect of property belonging to the petitioner situated at No.30, Dharmaraja Koil Street, Thiruninravur -602 024, comprised in Survey No.217/3 (Paimash No.1054) of Thiruninravur "A" Village, Avadi Taluk, Thiruvallur District, measuring an extent of 1 acre and 96 cents, is filed even without enclosing a copy of application filed before the competent authority seeking patta.

2. The relief as such sought for to direct the respondents to issue patta in favour of the petitioner cannot be granted. Patta being a revenue record, must be issued on verification of the records, title documents and other relevant papers. An enquiry is contemplated under the provisions of Tamilnadu Patta Pass Book Act, 1983, to be conducted by the competent authority and only thereafter a patta pass book shall be issued to the owner of the immovable property. Section 3 of the Tamil Nadu Patta Pass Book Act, stipulates issue of patta pass book to the owners. The Tahsildar, having jurisdiction is the authority to entertain an application and to conduct the enquiry and thereafter, pass appropriate orders. The Tahsildar cannot entertain a civil dispute in an application filed seeking patta. Only if the person filing an application could able to establish that who is the owner of the property, then alone, the patta pass book shall be issued and not otherwise. In cases of any dispute between the parties, then the competent authority/Tahsildar has to grant liberty to the parties to approach the competent civil Court of law to resolve the dispute. Therefore, it is made clear that the revenue authorities are incompetent to entertain a civil dispute in an application filed seeking of patta, only in the event of establishing a clear title, an applicant is eligible to get a patta pass book under the provisions of the Tamil Nadu Patta Pass Book Act, 1983 and in all the other cases where a dispute exists, then the parties must be allowed to resolve the dispute through the competent Civil Court of law and in such circumstances, no application needs to be entertained to issue patta.

3. The relief sought for in the writ petition to direct the respondents to issue patta cannot be granted. High Court cannot conduct a roving enquiry with reference to the ownership of a person and such an enquiry is to be conducted before the competent forum by filing all the relevant documents. Thus, the prayer as such is not entertainable and even in case



an application is filed seeking patta, the Tahsildar has to conduct an enquiry and pass appropriate orders on merits and in accordance with law and by affording opportunity to all the parties concerned.

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4. In the present case, the petitioner has not even enclosed the copy of the application seeking patta. if any filed under the provisions of the Tamil Nadu Patta Pass Book Act. A writ of mandamus can be entertained, if an aggrieved person has already approached the competent authority seeking relief or redressal of his grievances. In view of the fact that the petitioner has not even enclosed the copy of the application seeking patta, the relief as such cannot be granted. Thus, the petitioner has not established even a semblance of his legal right so as to entertain this writ petition. Accordingly, the writ petition fails and stands dismissed. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

rp1/vri

To

1. The District Collector,
First Floor,
Collectorate,
Thiruvallur 602 001.
2. The District Revenue Officer,
Office of the District Collector,
Collectorate,
Thiruvallur -602 001.
3. The Tahsildar,
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Avadi,
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4. The Village Administrative Officer,
VAO Office-Thiruninravur "A" Village,
Thiruninravur 602 024.

+1CC to Government Pleader, Sr.No.27651

W.P. No. 12526 of 2021

SKY (CO)

K.RK. (19.07.2021)