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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.12548 of 2021

Vanniya Kula Kshatriya Maha Sangam,  
Rep. By its Authorised Signatory Person M.R.Seenuvasan,  
No.683/577, Thiruvotriyur High Ways,  
Chennai 21. ..Petitioner

Vs.

1.The District Collector,  
Chengalpattu District,  
Collectorate of Chengalpattu,  
Chengalpattu.

2.The Revenue Divisional Officer,  
Chengalpattu Taluk,  
VOC Nagar, Chengalpattu.

3.The Tahsildar,  
Thirukkazhukundram Taluk,  
Chengalpattu.

4.L.Radhakrishnan ..Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to take immediate steps based on the letter dated 17.02.2020 for issuing patta in favour of P.T.V.S. High School, Thirukkazhukundram.

For Petitioner : Mr.N.Sivaprakash

For Respondents : Dr.S.Suriya (For R1 to R3)  
Government Advocate

ORDER

The relief sought for in the present writ petition is to direct the respondents 1 to 3 to take immediate steps based on the letter dated 17.02.2020 for issuing patta in favour of P.T.V.S High School, Thirukkazhukundram.



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2. The petitioner is a Sangam, filed the writ petition for a direction to issue patta. The direction as such sought for to issue patta cannot be granted by the High Court and the competent authorities in this regard are bound to conduct enquiry.

3. The learned counsel appearing on behalf of the respondents 1 to 3 states that there is a civil dispute between the petitioner and the 4<sup>th</sup> respondent and therefore, the letter submitted by the writ petitioner cannot be considered for grant of patta.

4. This Court is of the considered opinion that application seeking patta is to be considered by following the procedures contemplated under the Tamil Nadu Patta Passbook Act, 1983. In case of any civil dispute exists between the parties, then the Thasildar, who is the authority under the Act, cannot adjudicate the disputed issues. All such civil disputes are to be resolved by approaching the competent Civil Court of law. The Revenue authorities are incompetent to adjudicate the Civil disputes regarding their title or otherwise. Only if the owner is able to establish the title and ownership, then alone the application seeking patta shall be considered by the competent authorities under the provisions of the Tamil Nadu Patta Passbook Act. Even in such cases, where civil dispute exists, the Thasildar shall pass an order, granting liberty to the parties to approach the Civil Court of law for resolving the disputes. Keeping an application pending for long time is not preferable. Any such application filed seeking patta is to be disposed of as expeditiously as possible, enabling the parties to redress their grievances in the manner known to law.

5. In the present case, the petitioner states that they have submitted an application to the District Collector on 17.02.2020. However, Section 3 of the Patta Passbook Act enumerates that the Thasildar is the competent authority to consider the application for grant of patta. Therefore, the application submitted by the petitioner to the District Collector cannot be considered directly or the High Court can issue any such direction to dispose of the application. Under these circumstances, the petitioner is at liberty to approach the competent authority under the provisions of the Tamil Nadu Patta Passbook Act and in the event of filing any such application under the provisions of the said Act, the said application is to be considered by conducting an enquiry and by affording opportunity to all the parties concerned.



6. With these observations, the Writ Petition stands disposed of. No costs.

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Sd/-  
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

gsa

To

- 1.The District Collector,  
Chengalpattu District,  
Collectorate of Chengalpattu,  
Chengalpattu.
- 2.The Revenue Divisional Officer,  
Chengalpattu Taluk,  
VOC Nagar, Chengalpattu.
- 3.The Tahsildar,  
Thirukkazhukundram Taluk,  
Chengalpattu.

+1cc to Mr. N. Sivaprakash, Advocate Sr.No.27673/21

+1cc to The Government Pleader Sr.No.27657/21

W.P.No.12548 of 2021

JPL (CO)  
RV (15/07/2021)