IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2021

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.A.No.1524 of 2016 and
CMP.No.18944 of 2016

1. V.S.Rajathilagam
2. V.Lakshmi ... Appellants

-vs-

1. Revenue Divisional Officer,
   Ambattur, Ambattur Road, Ambattur,
   Chennai-600 053.

2. The Tahsildar,
   Madhavaram Taluk,
   Madhavaram, Chennai-600 060.

3. The Special Tahsildar,
   Natham Settlement Scheme,
   Madhavaram Taluk,
   No.1, Pazhaniappa Nagar,
   Fifth Street, Madhavaram, Chennai-60.

4.S.Gopal Raja ... Respondents

Writ Appeal filed under Clause 15 of the Letters Pattent against the order dated 8.11.2016 passed in W.P.No.30280/2016 by a learned Single Judge of this Court.

W.P.No.30280/2016:
Petition praying under Article 226 of the Constitution of India to issue a Writ of Certiorari order or direction of like nature to call for the records relating to the impugned order bearing No.R.C.3249 of 2015/A5, dated 29.07.2016 issued by the first respondent and quash the same.

For Appellants : Mr.K.Bijai Sundar

For Respondents: Ms.A.B.Reehana Begum,
Government Advocate for R1 to R3
Mr.S.R.Raghunathan for R4

JUDGMENT

(Judgment of the Court was pronounced by T.RAJA, J.)

The Writ Appeal has been preferred against the order dated 8.11.2016 passed in W.P.No.30280/2016 in and by which the learned Single Judge of this Court has directed the 3rd respondent herein, namely, the Special Officer, Natham Settlement Scheme, Madhavaram Taluk, Madhavaram, Chennai, instead of the District Revenue Officer, who is the Revisional Authority as per Section 13 of the Tamil Nadu Patta Pass Book Act, 1983 to dispose of the appeal filed by the appellants herein.

2. The case of the appellants is that the first appellant purchased a land situated at Madhavaram Village comprised in Survey No.160/1, consisting of 18 cents of Madhavaram Taluk, Thiruvallur District from one Jeevammal and others under a deed of sale dated 16.10.1996 registered as document No.P666 of 1996 and later numbered as 6235 of 1999, of Book 1, at SRO, Sembium. Subsequently, the petitioner sold a portion of land measuring 1800 sq.ft. from and out of the aforesaid 18 cents to the second appellant under a deed of sale dated 27.10.2010 registered as document No.8884 of 2010. The third respondent also issued pattas to the appellants to their respective lands along with their photographs. While so, one Natha Muni Iyya created bogus documents in respect of the above said property by entering into a sale agreement with one Mr.C.Sundararam under Document No.3522 of 1982 describing the land conveyed thereunder as comprised in O.S.No.160 and New S.No.16D/1 measuring 0.30 cents and later selling it to the fourth respondent under document No.3080 of 1985 at SRO, Sembiam, describing the land conveyed thereunder as comprised in O.S.No.160 and New S.No.16B/1 ad-measuring 30 cents. While so, the first respondent without verifying the said documents, passed the impugned order, directing the cancellation of patta issued in the name of the appellants and issuance of patta in the name of the fourth respondent. Hence, the appellants have filed the W.P.No. 30280/2016 before this Court and a learned Single Judge of this Court by order dated 8.11.2016 directed the 3rd respondent herein, namely, the Special Officer, Natham Settlement Scheme, Madhavaram Taluk, Madhavaram, Chennai, instead of the District Revenue Officer, who is the Revisional Authority as per Section 13 of the Tamil Nadu Patta Pass Book Act, 1983 to dispose of the appeal filed by the appellants herein. Aggrieved over the same, the present Writ Appeal has been filed.

3. Learned Counsel appearing for the appellants vehemently argued that in any event, the Tahsildar has no power to cancel the patta obtained by the appellants long time ago. Again referring to Sections 10, 12 and 13 of the Tamil Nadu Patta Pass

Book Act, 1983, the learned Counsel for the appellants argued that if there is any disputed question arises in respect of the land-in-question for the purpose of issuance of patta, only the competent civil court has got jurisdiction, but not the Revenue Authority. Therefore, on that score, when once the Tahsildar has granted patta in favour of the appellants long time ago, the same Tahsildar cannot reissue the patta to the 4th respondent. Learned Counsel also argued that as against the order cancelling the patta, an appeal has been filed before the Revenue Divisional Officer as early as on 31.08.2016.

4. Learned Counsel appearing for the 4th respondent in reply to the submission of the learned Counsel for the appellants argued that when the patta was issued in respect of the land-in-question in favour of the appellants, an appeal was filed before the Revenue Divisional Officer under Section 12 of the Act by the 4th respondent, who in turn, while allowing the same, issued the patta in favour of the 4th respondent herein. Aggrieved thereby, a Revision has been filed under Section 13 of the Act before the District Revenue Officer by the appellants herein. After filing the revision, for the reason best known to them, the appellants have filed the W.P.No.30280/2016 before this Court and the same was disposed of by a learned Single Judge of this Court by order dated 08.11.2016, thereby directing the 3rd respondent herein, namely, the Special Officer, Natham Settlement Scheme, Madhavaram Taluk, Madhavaram, Chennai, to dispose of the appeal filed by the appellants herein. Aggrieved over the same, the present Writ Appeal has been filed, which is not sustainable, it is pleaded.

5. Heard Mrs.A.B.Reehana Begum, learned Government Advocate for the respondents 1 to 3.

6. We have also gone through the records carefully including the order dated 08.11.2016 passed by the learned Single Judge of this Court.

7. On the face of the records, more particularly, the impugned order of the learned Single Judge, we are of the view that now the issue deserves to be considered by this Bench falls under a narrow campus for the simple reason that the learned Single Judge in his order dated 08.11.2016 made in W.P.No.30280/2016 directed the Special Tahsildar, Natham Settlement Scheme, Madhavaram, Chennai, the 3rd respondent herein, to dispose of the appeal filed by the appellants herein instead of directing the District Revenue Officer. Since as per Section 13 of the Tamil Nadu Patta Pass Book Act, 1983, the District Revenue Officer is the competent authority to dispose of the appeal filed by the appellants herein, though several grounds have been raised on either side, without going into the

merits of the claim made by both parties, we think it fit to remand the matter to the District Revenue Officer, Thiruvallur District with a direction to dispose of the issue-in-question within a specified period and by remanding the matter to the District Revenue Officer, in our considered opinion, no prejudice would be caused to either side. Further, it appears that the Revenue Divisional Officer has already disposed of the appeal filed by the appellants.

8. In view of all the above, without going into the merits of the claim made by both sides, we therefore, rectifying the error in the Order dated 08.11.2016 made in W.P.No.30280/2017, hereby remand the matter back to the District Revenue Officer, Thiruvallur District, with a direction to take up the matter and after issuing notice and affording an opportunity of personal hearing to both sides, decide the issue-in-question on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this Order.

9. With the above observation and direction, the Writ Appeal is disposed of. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

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To
1. Revenue Divisional Officer,
Ambattur,
Ambattur Road, Ambattur,
Chennai-600 053.

2. The Tahsildar,
Madhavaram Taluk,
Madhavaram, Chennai-600 060.

3. The Special Tahsildar,
Natham Settlement Scheme,
Madhavaram Taluk,
No.1, Pazhaniappa Nagar,
Fifth Street, Madhavaram, Chennai-60.

Copy to:
The District Revenue Officer,
Thiruvallur.

W.A.No.1524/2016

JPL(CO)
SP(30/06/2021)