



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.18821 of 2021

and

W.M.P. (MD) .No.15636 of 2021

WEB COPY

S.Vedhamuthu

... Petitioner

Vs.

1.The Secretary to Government,
Revenue Department,
Fort St.George, Chennai - 600 009.

2.The Commissioner,
Revenue Administration,
Chepauk, Chennai - 600 005.

3.The Additional Collector,
District Additional Magistrate,
Thoothukudi.

4.The Head Quarters Deputy Tahsildar,
Office of the Tahsildar,
Kovilpatti, Thoothukudi District.

5.Tmt.Rajalakshmi.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order dated 21.11.2020 made in Na.Ka.D.6-14787-2019 passed by the third respondent, quash the same and consequently directing the respondents to issue fresh patta in favour of the petitioner in respect of the property one acre and 55 cents in Survey No.117/4 and one acre in Survey No.117/5 of Linghampatty Village, Kovilpatti Taluk, Tuticorin District measuring about totally Acres 2 and 55 Cents covered under Patta No.1159.

For Petitioner : Mr.P.Britto

For R-1 to R-4 : Mr.K.S.Selva Ganesan
Counsel for State

ORDER

The petitioner assails an order dated 21.11.2020 of the third respondent herein by which the petitioner's Revision Petition under Section 13 of the Tamil Nadu Patta Passbook Act, 1983 was rejected.

2. The petitioner claims title to the property bearing Survey Nos.117/4 and 117/5 through a sale agreement dated 25.08.1995 between the fifth respondent, the said fifth respondent's father and



the petitioner. According to the petitioner, the prevalent custom in the Lingampatti Village, where the relevant property is situated, is not to execute a registered sale deed. Instead, it is submitted that patta transfer is effected on the basis of such agreements of sale. Accordingly, the petitioner points out that Patta No.1159 was issued in respect of the above mentioned properties in the names of the petitioner and Ammaiya Naicker. Subsequently, at the instance of the fifth respondent herein, the patta was cancelled through proceedings before the jurisdictional Revenue Divisional Officer. The petitioner assailed the same by filing a Revision Petition on 12.06.2019 before the third respondent. The said Revision Petition was rejected by order dated 21.11.2020, which is assailed by way of the Writ Petition.

3. Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice on behalf of respondents 1 to 4. He submits that the dispute between the petitioner and the contesting respondent turns entirely on disputed questions of fact. For instance, he points out that the fifth respondent has denied her signature on the agreement of sale dated 25.08.1995. Therefore, he submits that the petitioner should be relegated to the jurisdictional civil court.

4. Upon perusal of the impugned order, it is clear that the third respondent refused to interfere with the order of the Revenue Divisional Officer both on the ground that the petitioner had obtained patta mutation on the basis of an unregistered document as also on the basis that the petitioner had not submitted documents to warrant interference with the order of the Revenue Divisional Officer. It is, thus, evident that disputed questions of fact arise with regard to the petitioner's interest in the relevant property both on the basis of the agreement dated 25.08.1995 and other documents that the petitioner relies upon to establish possession of the relevant property for a considerable time limit. Since such disputes cannot be conveniently addressed by way of affidavit evidence, the appropriate remedy is for the petitioner to approach the jurisdictional civil court.

5. For reasons set out above, W.P.(MD).No.18821 of 2021 is disposed of without any order as to costs by leaving it open to the petitioner to approach the jurisdictional civil court in accordance with law for the remedies prayed for herein. Consequently, W.M.P.(MD).No.15636 of 2021 stands closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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- To
- 1.The Secretary to Government,
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 - 4.The Head Quarters Deputy Tahsildar,
Office of the Tahsildar,
Kovilpatti,
Thoothukudi District.

+1 CC to M/s.P.BRITTO, Advocate (SR-32459[F] dated 25/10/2021)

+1 CC to M/s.SPL.GP (SR-32570[F] dated 26/10/2021)

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