



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.05.2022

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.13159 OF 2022

AND

W.M.P.NOS.12498 & 12499 OF 2022

S.Selvaraj

... Petitioner

.Vs.

1. The District Collector,
Office of the District Collector,
Kallakurichi District - 606 202.
2. The Revenue Divisional Officer,
Kallakurichi Revenue Division,
Kallakurichi District - 606 202.
3. The Zonal Deputy Tahsildar,
Office of the Tahsildar,
Sankarapuram Taluk,
Kallakurichi District - 606 401.
4. The Village Administrative Officer,
Ulagalapadi Village,
Sankarapuram Taluk,
Kallakurichi District - 605 702.
5. The Superintendent of Police,
District Police Office,
Kallakurichi District - 606 213.
6. The Inspector of Police,
Vadaponparappi Police Station,
Sankarapuram Circle,
Kallakurichi District - 605 702.
7. The Sub-Inspector of Police,
Vadaponparappi Police Station,
Sankarapuram Circle,
Kallakurichi District - 605 702.



8. Ananthan

9. Irudhayaraj

... Respondents

WEB COPY
PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records leading to the impugned order in Joint Patta No.254, in Grama Natham, Survey No.12A/51, situated at, Ulagalapadi Village, Sankarapuram Taluk, Kallakurichi District, dated 05.04.2022 on the file of 3rd respondent and quash the same as illegal, Non-est in the eye of law, Perverse and Violation of Principles of Natural Justice and further directing the 3rd respondent to conduct fresh enquiry and issue the separate Patta to the petitioner, within a stipulated time may be fixed by this Court.

For Petitioner : Mr.J.Agni Selvaraju

For Respondents : Mrs.R.L.Karthika
Government Advocate
(R1 to R7)

ORDER

The joint Patta issued by the third respondent/Zonal Deputy Tahsildar is under the challenge in the present Writ Petition.

2. The petitioner states that he is the owner and title holder of the property, which is identified as Grama Natham Survey No.12A/51, (Old No.12A/1), total extent of 0.12 ½ Cents, situated at Ulagalapadi Madhura, Saveriyarpalayam Village, Sankarapuram Taluk, Kallakurichi District, on the file of Sub-Registrar, Vadaponparapi, Kallakurichi Registration District. The petitioner states that the said Grama Natham land originally vested with his grandfather Mr.Abraham and he was in peaceful possession and enjoyment, and the third respondent has issued Patta vide Patta No.138 under the scheme of Nila Udamai Mempattu Thittam on 03.08.1994. Thus, the grandfather of the petitioner allowed his two brothers namely Savarimuthu and Chinnappan to construct a hut and enjoy 0.4 cents each.

3. The petitioner himself has stated that the subject property is a Grama Natham. While so, the authorities competent has to verify the revenue records and initiate all appropriate actions in the manner known to law. Even in respect of Grama Natham lands, the Government has to follow the rules for grant



of Patta by following the procedures contemplated. Vast extent of land classified as Grama Natham cannot be granted in favour of a single person. The Grama Natham lands are to be utilised for the welfare of the public of that village and more specifically by following the procedures.

4. In the present case, the petitioner while classifying the subject property as Grama Natham claims that he is the owner and title holder of the property. The grievances of the writ petitioner is that the Patta was originally granted in favour of his grandfather, has been modified and now the Patta has been granted by including the name of respondent No.8. If at all the original authority has taken a particular decision, in respect of grant of Patta, the petitioner has got a right of appeal under the Tamil Nadu Patta Passbook Act, 1983. In the present case, the Patta has been granted by the third respondent/Zonal Deputy Tahsildar and therefore under Section 12, the petitioner has got a right of appeal; in respect of the title, the revenue authorities are not competent to decide the same. If at all, the parties are raising title dispute or otherwise, they are bound to approach the competent Civil Court for the purpose of crystallisation of property rights, the Act itself contemplates that. In the event of any dispute regarding the ownership, the Revenue authorities are bound to ask the parties to approach the competent Civil Court.

5. This being the scope of the Tamil Nadu Patta Passbook Act, 1983, the petitioner is at liberty to approach the appellate authority for redressal of grievances or the civil court, as the case may be. However, the Writ Petition against the Patta granted need not be entertained and this Court in Writ proceedings cannot adjudicate such disputes, which requires examination of documents and evidences.

6. Accordingly, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Vacation Officer

//True Copy//

Sub Assistant Registrar

jd/mrn



To

1. The District Collector,
Office of the District Collector,
Kallakurichi District - 606 202.
2. The Revenue Divisional Officer,
Kallakurichi Revenue Division,
Kallakurichi District - 606 202.
3. The Zonal Deputy,
Office of the Tahsildar,
Sankarapuram Taluk,
Kallakurichi District - 606 401.
4. The Village Administrative Officer,
Ulagalapadi Village,
Sankarapuram Taluk,
Kallakurichi District - 605 702.
5. The Superintendent of Police,
District Police Office,
Kallakurichi District - 606 213.
6. The Inspector of Police,
Vadaponparappi Police Station,
Sankarapuram Circle,
Kallakurichi District - 605 702.
7. The Sub-Inspector of Police,
Vadaponparappi Police Station,
Sankarapuram Circle,
Kallakurichi District - 605 702.

+1cc to Mr.J.Agni Selvaraju, Advocate, S.R.No.31645
+1cc to the Government Pleader, S.R.No.31678

W.P.NO.13159 OF 2022

NRJK (CO)
PBS/23/05/2022