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W.P.No. 27115 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2022

CORAM

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No. 27115 of 2022

D. Maheshwari

..Petitioner

Versus

1. Revenue Divisional Officer
Office of the Revenue Divisional Office
Pollachi, Coimbatore District.
2. Tahsildar
Pollachi Taluk,
Coimbatore District.
3. T.Venkatesh Kumar

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to consider the representation dated 30.08.2022 of the petitioner, within a time frame fixed by this Court.

For Petitioner : Mr.P.Arumugavel

For RR 1&2 : Mr.U.Baranidharan
Additinal Government Pleader

For R3 : Notice D/W

ORDER



W.P.No. 27115 of 2022

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2. According to the petitioner, the property in question originally belonged to the petitioner's great grandmother and it is divided among their legal heirs by way of registered partition deed, dated 15.07.1960 in Doc.No.1398 of 1959, on the file of Sub Registrar, Pollachi, in respect of S.F.No.65-B measuring an extent of 1.20 acres, S.F.No.64/A measuring an extent of 1.62 acres and measuring an extent of 1.45 acres in S.No.64/B, measuring an total extent of 4.27 acres of agricultural land and measuring an extent of 700 sq.ft. space with terrace building at Pollachi Town and the petitioner's grandmother was in possession and enjoyment of the above said property. After her demise, her son, grandchildren and the third respondent herein are in possession and enjoyment of the above said ancestral property. In the meantime, the petitioner's brother filed a suit in O.S.No.42 of 2018 for partition before the District Court, Pollachi and the same is pending. Consequently, the petitioner along with her sister filed a suit in O.S.No.112 of 2019 for declaration that the settlement deed dated 08.02.2016 is null and void and not binding on the plaintiffs



W.P.No. 27115 of 2022

before the District Munsif Court, Pollachi and the same is pending.

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During the pendency of both civil suits, the petitioner's brother/the first defendant therein, had executed a settlement deed in favour of 3rd respondent herein, illegally, whereas, suppressing the above facts, the third respondent had obtained Patta in his name and the same is liable to be cancelled. Therefore, the petitioner sent a representation, dated 30.08.2022 to the 1st respondent seeking to cancel the patta Nos.643 & 644 wrongly issued in favour of the 3rd respondent, but the respondents have not considered same. Hence, the petitioner has come forward with the present writ petition under Article 226 of the Constitution of India.

3. In the present case, as seen from the facts narrated above, this Court finds that the petitioner's claim title to the property on the basis of the registered settlement deed dated 08.02.2016. It is not for the Revenue Officials to decide the rival claims or whether the petitioner's have title on the basis of the settlement deed relied upon by the petitioner. Since the matter involves disputed questions of facts and the rights of parties based on documents, the appropriate remedy is to approach the Civil Court. The Revenue Officials exercising jurisdiction under the Tamil Nadu Patta



W.P.No. 27115 of 2022

WEB COPY

Passbook Act or Revenue Standing Orders, cannot decide the disputed questions of facts or title. The issue regarding title and enjoyment in respect of the aforesaid property among the legal heirs can be resolved only by a civil Court in a suit when all the legal heirs are parties.

4. Having regard to the limited jurisdiction of the Authorities under Section 10 of the Tamil Nadu Patta Passbook Act, 1983, and as no machinery is provided under the Tamil Nadu Patta Pass Book Act, this Court is not inclined to entertain this writ petition to decide the rival claims between the parties. Hence, this Court has no reason to interfere with the order passed by the first respondent impugned in the writ petition, as the petitioner has to be directed to approach the civil Court.

5. The petitioner is directed to approach the Civil Court and the civil Court shall resolve all issues arising for consideration, uninfluenced by any of the observations or findings of the Revenue Officials while refusing to grant Patta either to the Petitioner or any one in the family.

6. Accordingly, the Writ Petition is disposed of, subject to the



W.P.No. 27115 of 2022

WEB COPY

liberty given to the petitioner to approach the civil Court. Based on the verdict of civil Court, it is open to the petitioner to approach the Revenue Officials for modification of Revenue records. No costs. Consequently, connected Miscellaneous Petition is closed.

11.10.2022

Index:Yes / No

Internet: Yes / No

Speaking / Non-Speaking order

msm



W.P.No. 27115 of 2022

M. DHANDAPANI, J.

msm

W.P.No. 27115 of 2022

11.10.2022