



W.P.No.28036 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

CORAM

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

W.P.No. 28036 of 2022

K.Latha

... Petitioner

Versus

1. The Revenue Divisional Officer  
No.472, Thiruvottiyur High Road  
Tondaiarpet Division,  
Chennai - 600 081.
2. Tahsildar  
Madhavaram Taluk  
Thiruvallur District
3. The Special Tahsildar (Settlement)  
Town and Natham Nilavari Thittam  
Madhavaram  
Thiruvallur District.
4. G.Jagan
5. Duke R.Kent

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the third respondent to consider the petitioner's representation dated 27.12.2021 within a time frame fixed by



W.P.No.28036 of 2022

this Court.

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For Petitioner : Mr.P. Arumugavel

For R1 & R2 : Mr.U.Bharanidharan  
Additional Government Pleader

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### **ORDER**

This writ petition has been filed seeking for a direction to the 3rd respondent to consider the petitioner's representation, dated 27.12.2021.

2. According to the petitioner, the petitioner had acquired the property situated at Plot No.1, Devi Nagar, Madhavaram Village and Taluk comprised in S.No.157/3A, T.S.No.29, Ward-B, Blcok No.50 measuring to an extent of 2500 sq.ft., from one V.Varadharajan by way of registered a sale deed vide Doc.No.2708 of 1990, dated 29.06.1990 on the file of the Sub Registrar, Sembiam. From the date of purchase, she is in peaceful possession and enjoyment of the property. The 2nd respondent has issued a patta in the name of the petitioner on 24.06.2009. Subsequently, the respondents 4 and 5 in collusion with the 2nd respondent committed grave



W.P.No.28036 of 2022

offence of tampering with the government records and obtained patta in their name illegally for the property owned by the petitioner. In this regard, the petitioner sent a representation to the 3rd respondent on 27.12.2021, seeking to cancel the patta wrongly issued in favour of the respondents 4 & 5. Till date, no order has been passed on the representation of the petitioner. Hence this petition.

**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 sale deed dated 29.06.1990. It is not for the Revenue Officials to decide the rival claims or whether the petitioner's have title on the basis of the sale deed relied upon by the petitioner. Since the matter involves disputed questions of facts and the rights of parties based on the documents, the appropriate remedy is to approach the Civil Court. The Revenue Officials exercising jurisdiction under the Tamil Nadu Patta 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 can be resolved only by a civil Court in a suit when all the legal heirs are parties.



W.P.No.28036 of 2022

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 claim between the parties.

5. The petitioner is directed to approach the Civil Court for appropriate relief 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 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.

**20.10.2022**

msm  
Speaking Order/ Non Speaking Order  
Index: Yes/ No

4/4



W.P.No.28036 of 2022

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**M.DHANDAPANI, J.**

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