



W.P.(MD)No.18769 of 2013

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :21.12.2022

CORAM

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

W.P.(MD)No.18769 of 2013

and

M.P.(MD).No.1 of 2013

D.Ramesh

... Petitioner

Vs.

1.The District Revenue Officer,
Sivagangai District.

2.The Revenue Divisional Officer,
Sivagangai District.

3.Mr.Jawahar (Died)

4.R.Muthumani

5.Kanmani

... Respondents

***(R4 & R5 are impleaded vide Court order dated 06.12.2022 in W.M.P.
(MD).No.17599/2016 in W.P.(MD).No.18796 of 2013 by KBJ)***

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the 1st respondent in Pa.Mu.Pa./2258/2013 dated 03.10.2013, quash the same and consequently direct the respondents 1 and 2 herein to restore the patta.

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For Petitioner :Mr.S.Srinivasa Raghavan

For Respondents :Mr.V.Om.Prakash
Government Advocate for R1 & R2

:Mr.N.Mariappan for R4 & R5

ORDER

This writ petition has been filed challenging the order of the 1st respondent dated 03.10.2013, wherein, the 1st respondent had cancelled the patta standing in the name of the petitioner and directed to issue a patta in favour of the 3rd respondent. Pending this writ petition, the 3rd respondent had died and respondents 4 and 5 have been impleaded as legal heirs of the deceased/3rd respondent.

2.Admittedly, there is a dispute with regard to the title of the property between the petitioner and the private parties in this writ petition. When that be so, the revenue authorities are not entitled to decide the dispute or title between the parties for granting patta under Rule 4(4) of the Tamil Nadu Patta Pass Book Act, 2021. This position of law has been



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reiterated by the Hon'ble Apex Court in the judgment reported in **2021 (11 SCC) 98** in the case of **(Edelweiss Asset Constructions Company Limited Vs- R.Perumalswamy and others)**.

3.In the light of the aforesaid pronunciation, I am of the view that when there is a dispute of title, the revenue authorities ought not to have entertained an application for granting of patta. Such a dispute can only be decided by the competent Civil Court. Therefore, the orders passed by the revenue authorities shall be kept in abeyance and the parties to the said orders shall not rely upon them. They are at liberty to approach the Civil Court and seek redressal of their grievances. The Civil Court shall not raise the issue of limitation Civil Court shall exclude the period namely the date of filing of the writ petition and the date of disposal of the writ petition while calculating the period of limitation, as mandated Section 14 of the Limitation Act 1963.



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4. With the above observations, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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

To
1. The District Revenue Officer,
Sivagangai District.

2. The Revenue Divisional Officer,
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K.KUMARESH BABU, J.

sbn

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