



W.P.(MD) No.19838 of 2013.

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2022

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THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

**W.P.(MD) No.19838 of 2013
and
M.P.(MD) Nos.1 of 2013, 1 and 2 of 2014**

Hemalatha

... Petitioner

/vs./

- 1.The District Collector,
Sivagangai District.
- 2.The District Revenue Officer,
Sivagangai District.
- 3.The Revenue Divisional Officer,
Devakottai Revenue Division,
Sivagangai District.
- 4.The Tahsildar,
Tirupathur,
Sivagangai District.
- 5.Subramaniyapillai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records pertaining to the



W.P.(MD) No.19838 of 2013.

Pa.Mu.B1-12703-2013 dated 28.11.2013 on the file of the 2nd respondent and to quash the same as illegal.

For Petitioner : Mr.R.Rajamohan
For R1 to R4 : Mr.V.OM.Prakash
Government Advocate
For R5 : Mr.M.Subash Babu

ORDER

The learned counsel for the petitioner today had filed a memo stating that in spite of the repeated requests, there has been no communication from the petitioner and that he had filed a memo reporting 'no instructions'.

2.The writ petition is challenging the order passed by the second respondent, wherein he had cancelled the patta that was issued in favour of the petitioner and mutated the same in favour of the fifth respondent. In the order impugned, the first respondent had informed that if they are aggrieved against the same, they could approach the civil Court within a period of 30 days.



W.P.(MD) No.19838 of 2013.

WEB COPY

3.Rule 4 (4) of the Tamil Nadu Patta Passbook Act, 1983 mandates that if there is a dispute with regard to the ownership of the property, the same shall not be adjudicated upon by the revenue authorities and will have to relegate the parties concerned to file a civil suit. Unfortunately, in this case, the revenue authorities have entered upon the disputed ownership.

4.Be that as it may, it is always open to the parties to approach the civil Court for redressal of their grievances. As stated in the impugned order, it is for the aggrieved party to file a civil suit. But however, the time limit fixed by the first respondent is without any authority. Therefore, the said portion fixing the time limit of 30 days is set aside and the aggrieved person, namely the petitioner is at liberty to approach the civil Court. If the petitioner approaches the civil Court, the period between the date filing of this writ petition and the date of this order shall be excluded in accordance with Section 14 of the Limitation Act, 1963 for computation of limitation.



W.P.(MD) No.19838 of 2013.

WEB COPY

5. With the above observations, the Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Speaking : Yes / No
Internet : Yes / No
Index : Yes / No
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20.12.2022

To

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Sivagangai District.
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Sivagangai District.
4. The Tahsildar,
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W.P.(MD) No.19838 of 2013.

K.KUMARESH BABU, J.

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W.P.(MD) No.19838 of 2013

20.12.2022