



W.P.(MD) No.20554 of 2013.

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2022

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THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

**W.P.(MD) No.20554 of 2013
and
M.P.(MD) No.1 of 2013**

Devi

... Petitioner

/vs./

1.The District Revenue Officer,
Sivagangai.

2.J.Vivek

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the order of the 1st respondent in his proceedings in Pa.Mu.B1-16836/2013 dated 02.12.2013 relating to the property in Survey Nos.457 and 458 of Valayanodai Village, Manamadurai Taluk, Sivagangai District and quash the same.

For Petitioner	: Mr.K.Balasundharam
For R1	: Mr.V.OM.Prakash
	Government Advocate
For R2	: M/s.AL.Ganthimathi



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ORDER

The order impugned in this writ petition relates to a patta proceeding, where under there is a rival claim between the petitioner and the second respondent herein.

2.Heard Mr.K.Balasundharam, learned counsel for the petitioner, Mr.V.OM.Prakash, learned Government Advocate for the first respondent and M/s.AL.Ganthimathi, learned counsel for the second respondent.

3.When there are rival claims between the parties, the Revenue Authorities do not have jurisdiction to deal with the same and the rival claimants ought to have been relegated to a civil Court. This is explicit from the provisions of Rule 4 (4) of the Tamil Nadu Patta Passbook Act, 1983. The said Rule has been reiterated in a judgment of the Hon'ble Supreme Court in the case of *Edelweiss Asset Constructions Company Limited Vs. R.Perumalswamy and others* reported in *2021 (11 SCC) 98*.



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4. In view of the same, I am inclined to set aside the order passed by the first respondent herein and the rival claimants, namely the petitioner and the second respondent are at liberty to approach the competent civil Court to redress their grievances and after disposal of the same, they shall again approach the Revenue Authorities for mutation of the revenue records and for issuance of patta inconsonance with the judgment and decree to be passed by the civil Court.

5. With the above direction, the Writ Petition is allowed. The order passed by the first respondent in Pa.Mu.B1-16836/2013 dated 02.12.2013 is set aside. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

22.12.2022

mm

To

The District Revenue Officer,
Sivagangai.

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K.KUMARESH BABU, J.

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