



W.P.(MD)No.3236 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :19.12.2022

CORAM

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

W.P.(MD)No.3236 of 2013

and

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

A.R.K.N.Arunachalam

... Petitioner

Vs.

1.The District Revenue Officer,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

3.The Thasildar,
Karaikudi Taluk,
Karaikudi, Sivagangai District.

4.A.Justin Arockiam

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records pertaining to the impugned order of the 1st respondent herein in Na.Ka.P1/8942/2012, dated 31.12.2012, and quash the same.



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For Petitioner :Mr.G.Mohan Kumar
For Respondents :Mr.G.Siva Raja
Government Advocate for R1 to R3
:Mr.A.L.Kannan for R4

ORDER

This writ petition had been filed challenging the order passed by the Revenue Authorities and for grant of patta.

2. The petitioner and the 4th respondent claimed title to the properties. The order impugned also regards a civil dispute between the petitioner and the 4th respondent. Without waiting for the outcome of the civil dispute, the respondents 1 to 3 have been exercising their power, contrary to the provision of Rule 4(4) of Patta Pass Book Act.

3. The Hon'ble Apex Court in the judgement reported in **(2021) 11 SCC 98** in the case of ***Edelweiss Asset Construction Company Limited Vs. R.Perumalswamy and Others*** had held as follows:

“19.Under the Tamil Nadu Patta Pass Book Act, 1983 and the Tamil Nadu Patta Pass Book Rules, 1987, the Tahsildar is not empowered



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to adjudicate upon a “title dispute”. A combined reading of Section 14 and Rule 4(4) indicates that where there exists a dispute with respect to ownership of a land between parties with respect to a patta entry, the correct procedure to be adopted is to approach a civil court having competent jurisdiction. The entry records will be updated on the basis of the decree of the civil Court upon adjudication.”

4. It is now brought to the notice of this Court that the petitioner herein had filed a suit in O.S.No.93 of 2011, seeking for a declaration to declare the sale deed executed in favour of the 4th respondent as null and void, apart from other relief, the said suit had been decreed ex-parte.

5. The learned counsel for the petitioner would submit that the said decree has become final between the parties and no appeal has been filed by the 4th respondent.



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6. The learned counsel for the 4th respondent submitted that he is unable to contact the 4th respondent as of today with regard to the judgement and decree in respect of the sale deed, through which the 4th respondent claims title.

7. In view of the judgement referred supra, the orders of the respondents 1 to 3 are set aside as having been passed in violation of Rule 4(4) of the Tamil Nadu Patta Pass Book Rules and the 3rd respondent is directed to carry out the appropriate mutation based on the judgement and decree of the Civil Court in O.S.No.93 of 2011 on the file of the District Munsif, Karaikudi, Sivagangai District.

8. Accordingly, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

19.12.2022

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



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K.KUMARESH BABU, J.

sbn

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