



W.P(MD)No.16776 of 2014

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2022

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THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P(MD)No.16776 of 2014

and

M.P(MD)No.2 of 2014

Deivanayagam Chettiar

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District.

2.The Revenue Divisional Officer,
Tenkasi,Tirunelveli District.

3.The Deputy Tahsildar,
Veerakeralampudur,
Tirunelveli District.

4.Selvaraj

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for records in the Impugned Order passed by the 2nd respondent in Na.Ka.No.A4/5199/2009 dated 19.01.2010 and quash the same and consequently direct the 2nd respondent to expedite the proceeding in A4-10146/2013 dated 12.07.2014.



W.P(MD)No.16776 of 2014

For Petitioner : Mr.M.Ramu
For R1 - R3 : M/s.D.Farjana Ghoushia
Government Advocate
For R4 : Mr.M.Saravanan

ORDER

The present writ petition has been filed challenging an order passed by the Revenue Divisional Officer, dated 19.10.2010 made in Na.Ka.No.A4/5199/09.

2. By the impugned order, the Revenue Divisional Officer had set aside the order of the Deputy Tahsildar, wherein the Deputy Tahsildar had deleted the name of one Sorimuthu in Patta No.1272 and directed grant of patta in the name of Deivanayagam Chettiar, who is the petitioner herein. By the said order, the 2nd respondent had directed restoration of the name of the said Sorimuthu in Patta No.1272. Thereafter, the 4th respondent herein, had sought for grant of patta in his name in respect of the lands that were subject matter of the impugned order. The 2nd respondent had rejected the said request of the 4th respondent. Again, by a notice, dated 12.07.2014, the 2nd respondent



W.P(MD)No.16776 of 2014

seems to have entertained the request to correct the errors that were crept in the revenue records in respect of Survey Nos.258/1 and 258/2.

3. I have carefully considered the rival submissions made on either side.

4. From the various proceedings, it is crystal clear that there is a dispute of title of the lands in Survey Nos.258/1 and 258/2 in Surandai Part-I Village. Rule 4 (4) of the Patta Passbook rules mandates that the revenue authorities cannot decide a dispute between parties as regards to the title and apart from also entering into questions of personal law or succession law. Only when the parties agree in writing as to the ownership of a property, the revenue authorities can proceed to grant patta. This position has been reiterated by the Hon'ble Apex Court in the judgment reported in **2021 (11) SCC 98 (Edelweiss Asset Construction Company Limited Vs. R.Perumalsamy & Others)**.

5. In view of the same, without interfering with the orders passed by the Revenue Divisional Officer, I relegate the parties to initiate appropriate civil proceedings to redress their grievances. As stated supra,



W.P(MD)No.16776 of 2014

the Revenue Divisional Officer or any other revenue authorities have no authority/jurisdiction to decide the title to the property. In that aspect, the notice, dated 12.07.2014 is set aside.

6. In view of the aforesaid findings, this writ petition is disposed of with a direction to the petitioner to approach the appropriate Civil Court for redressing his grievances. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is also closed.

16.12.2022

Index : Yes / No
Internet : Yes / No

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To

- 1.The District Collector,
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- 3.The Deputy Tahsildar,
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W.P(MD)No.16776 of 2014

K.KUMARESH BABU,J.

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Order made in
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