**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**ORDER RESERVED ON : 24.11.2022**

**ORDER PRONOUNCED ON : 29.11.2022**
**CORAM:**
**THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD).No.16615 of 2015**
**and**
**M.P(MD).No.1 of 2015**

D.Velu ....Petitioner

Vs

1.The District Collector
Sivagangai District
Sivagangai

2.The Tahsildar
Devakottai Taluk
Sivagangai District

3.Arulmigu Sri Vadapuri Eswarar Swamy Temple
The Administrative Officer
Ramanathapuram Samasthanam
Devasthanam Head Office
Ramanathapuram
Ramanathapuram District ...Respondents

**Prayer:** This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the first respondent herein in Mu.Mu.(P1) 14133-2015 dated 25.08.2015 and quash the same and consequently direct the second respondent herein to make necessary correct entries in the revenue records by incorporating the name of the petitioner with regard to Survey No.

150/2B, 150/1B, 150/1A, 151/3, 153/2 and 154 in all totalling to an extent of 9 acres of Punja lands situated in Pidarenthal Village, Vadinanniyoor Group Revenue Village, Devakottai Taluk, Sivagangai District and issue patta in favour of the petitioner herein.

For Petitioner : Mr.S.Veeranasamy

For R1 & R2 : Mr.A.Baskaran
Additional Government Pleader

For R3 : No appearance

**ORDER**

The present writ petition has been filed challenging an order passed by the first respondent herein under which he has rejected the request of the writ petitioner for grant of revenue patta for certain survey numbers.

2.According to the learned counsel for the petitioner, the petitioner's father has purchased the survey numbers in dispute totalling an extent of 9 acres on 23.08.1956 under Document No.1431/1956 as well as a registered sale deed dated 26.09.1949 under Document No.2799/1949 registered before the Sub-Registrar, Thiruvadanai, Ramanathapuram District. His father Duraisingam had passed away 42 years back and his mother had passed away in the 2014 and the petitioner is the only legal heir for the estate of his deceased father late. Duraisingam.

3.According to the learned counsel, the petitioner is in possession and enjoyment of the land in question till today. Due to wrong mutation made in the revenue records, the name of the third respondent has been entered into and hence, he had sent a representation to the respondents 1 and 2 on 28.04.2015 requesting them to correct the entries in the revenue records and to issue patta in his name. Since there was no response, the petitioner had filed W.P(MD).No.7493 of 2015 before this Court and by an order dated 30.04.2015, this Court directed the respondents 1 and 2 to consider the representation of the petitioner and pass orders on merits.

4.The learned counsel for the petitioner had further contended that even though the first respondent is not vested with the power of dealing with the patta proceedings as per Patta PassBook Act, the first respondent has proceeded to conduct an enquiry and has passed the impugned order rejecting the request of the writ petitioner for grant of patta. Hence, he prayed for allowing the writ petition.

5.Per contra, the learned Additional Government Pleader had contended that survey numbers in dispute belonging to the third respondent temple are administered by Ramanathapuram Samasthanam and the settlement patta has been granted under Tamil Nadu Act 26 of 1963 on 10.06.1969. The said order was challenged by one Chellam and it was dismissed by the Assistant Settlement Officer, Chennai on 26.02.2003. Hence, the settlement patta granted in favour of the third respondent temple has become final. The petitioner or his father had not made any application for grant of patta under Tamil Nadu Act, 26 of 1963. They have also not challenged the settlement patta granted in favour of the third respondent temple in the year 1969. Without challenging the same, the petitioner had given a representation to the District Collector and Tahsildhar for grant of patta which has been rightly rejected by the District Collector.

6. The District Collector has specifically pointed out that he does not have any jurisdiction whatsoever to interfere in the order passed by the authorities under Tamil Nadu Act 26 of 1963. Therefore, the contention of the writ petitioner that the first respondent has no jurisdiction is correct. The petitioner cannot be permitted to approach the revenue authorities under Patta Passbook Act in view of the fact that none of the revenue officials would have jurisdiction to entertain the request of the writ petitioner. Hence, he prayed for dismissal of the writ petition.

7.I have considered the submissions made on either side and perused the materials available on record.

8.The petitioner claims that his father has purchased the survey number in dispute under a sale deed dated 02.08.1963. However, no revenue records have been mutated in the name of the petitioner's father right from the year 1963. Per contra, settlement patta has been granted in favour of the third respondent temple in the year 1969 and it has been confirmed by the Assistant Settlement Officer in the year 2003. There is no dispute that the village in question was taken over by the Government under Tamil Nadu Act 26 of 1963. In such an event, the petitioner's father should have either approached the authorities under the said Act for grant of patta or should have challenged the patta granted in favour of the third respondent temple. However, the petitioner has chosen to give a representation to the District Collector in the year 2015 and by getting an order of this Court for considering his representation, he has invited the present impugned order from the District Collector.

9.The first respondent herein has rightly arrived at a finding that in view of the patta granted by the settlement authorities, none of the revenue officials have got any jurisdiction to entertain any request to cancel the settlement patta or grant patta in favour of the writ petitioner which is contrary to the settlement proceedings. The petitioner having invited such an order from the District Collector by approaching this Court, cannot now turn around and contend that the first respondent has no jurisdiction at all to consider the request of the petitioner for grant of patta. The survey number in dispute being subjected to Inam Abolition Act, neither the first respondent nor any one of the revenue authorities will have any jurisdiction to consider the request of the petitioner for grant of patta. It is for the petitioner to approach the competent Civil Court to establish his title and possession.

10.In view of the above said facts, I do not find any illegality or infirmity in the order passed by the first respondent herein. The writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

**29 .11.2022**

Internet : Yes/No
Index : Yes/No
msa

To

1.The District Revenue Officer
Sivagangai District
Sivagangai

2.The Tahsildar
Devakottai Taluk
Sivagangai District

**R.VIJAYAKUMAR, J.**

msa

Pre-delivery order made in

W.P.(MD).No.16615 of 2015
and
M.P(MD).No.1 of 2015

29.11.2022