



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:28.04.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.26010 of 2019

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Selvaraj

... Petitioner

Vs.

- 1.The State of Tamilnadu
Rep. by its Commissioner of Land Administration
Land Administration Office,
Chepauk
Chennai 600 005.
- 2.The District Collector
Thoothukudi District,
Thoothukudi.
- 3.The Superintendent of Police,
Thoothukudi District
Thoothukudi.
- 4.The Sub Registrar,
Perungulam Sub Registrar Office,
Perungulam
Thoothukudi District.
- 5.The Tahsildar,
Srivaikundam Taluk
Thoothukudi District
- 6.The Inspector of Police,
Srivaikundam Police Station,
Srivaikundam
- 7.Sankaranarayanan
- 8.Meenakshi
- 9.David Nadar
- 10.Koyilraj
- 11.Anbarasan
- 12.Tamilarasan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents 1 and 2 to take appropriate legal actions under departmental proceedings against the respondents 7 and 8 for misusing their official capacity in granting illegal patta No.3023 to the 10th respondent in respect of Sy.No.735/2E (0.16.50 Hectares) Moolakarai



Village, Srivaikundam Taluk, Thoothukudi District on the basis of the representation dated 19.07.2019 within the time stipulated by this Court.

For Petitioner : Mr.P.M.Vishnuvarthanan
For Respondents : Mr.N.Satheeshkumar for R1 to 6
Government Advocate
Mr.S.Kadarkarai for R9 to 12
No appearance for R7 & R8

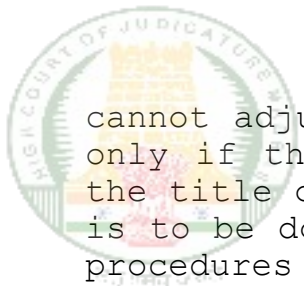
ORDER

The relief sought for in the present writ petition is to direct the respondents 1 and 2 to take appropriate legal action under departmental proceedings against the respondents 7 and 8 for misusing their official capacity in granting illegal patta No.3023 to the 10th respondent in respect of Sy.No.735/2E (0.16.50 Hectares) Moolakarai Village, Srivaikundam Taluk, Thoothukudi District on the basis of the representation dated 19.07.2019 within the time stipulated by this Court.

2.The grievance of the writ petitioner is that he is the absolute owner of the property as described in the affidavit. The petitioner narrates his title in respect of the subject property and set out an allegation by stating that the Zonal Deputy Tahsildar has illegally granted patta in favour of respondents 9 to 12.

3.The patta, cancellation of patta, mutation of revenue records are to be done in accordance with the procedures contemplated under the Tamil Nadu Patta Passbook Act, 1983 (hereinafter referred to as 'the Act'). Whenever a patta has been granted by the revenue authorities without following the procedures or in an illegal manner, an appeal lies under the Act before the higher authorities for redressal of grievances. Contrarily, the high Court cannot decide the title in respect of immovable property. Even to form an opinion whether the patta granted is an illegal patta or a legal patta, the high Court cannot come to the conclusion regarding the title of a person concerned. Such a relief cannot be entertained by the high Court under Article 226 of the Constitution of India. The correctness of the patta cannot be adjudicated in a writ proceedings.

4. The revenue authorities again are not empowered to decide the title in respect of the property. The revenue authorities will empower to grant patta or cancellation of patta or otherwise, only if a party approaches the official by establishing his right. However, if there is any dispute in the title, then the parties must be directed to approach the competent civil Court of law. Even under the provisions of the Patta Passbook Act, the revenue authorities



cannot adjudicate the title in respect of an immovable property and only if the person approaches the revenue authorities, establishes the title or right, then alone, the patta can be granted or mutation is to be done. All these issues are to be decided by following the procedures contemplated under the Act and Rules.

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5. A growing trend of filing writ petitions seeking patta or cancellation of patta is being followed by the litigant in the high Court. Such writ petitions cannot be encouraged in view of the fact that high Court cannot adjudicate the title or otherwise in respect of an immovable property. This apart, the Patta Passbook Act contemplates procedures for grant of patta, cancellation of patta, mutation of revenue records etc. and the parties are bound to exhaust those remedies. If there is a dispute of title then they are bound to approach the competent authorities for crystallization of civil rights. Thus, the writ petition filed seeking the relief of patta and cancellation of patta is not entertainable at all. Such writ petitions, if entertained would create prejudice to the either parties, who are also claiming interest over such immovable properties. In most of such writ petitions, those contesting parties are not impleaded and if at all impleaded not all the persons. All these factors cannot be adjudicated in a writ proceedings. Thus, such writ petitions are not only entertainable and the parties have to approach the competent authority and the civil Court, as the case may be. This being the factum, this Court cannot form an opinion regarding the allegation of the petitioner stating that the revenue authorities granted illegal patta. When such an opinion cannot be formed by the high Court, then there cannot be any direction to initiate any action against the officials. Thus, the writ petition cannot be entertained and accordingly, stands disposed of. However, the petitioner is at liberty to approach the competent authorities under the provisions of the Patta Passbook Act for redressal of his grievances.

6. The writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

RR



To

1.The Commissioner of Land Administration
Land Administration Office,
Chepauk
Chennai 600 005.

2.The District Collector
Thoothukudi District,
Thoothukudi.

3.The Superintendent of Police,
Thoothukudi District
Thoothukudi.

4.The Sub Registrar,
Perungulam Sub Registrar Office,
Perungulam
Thoothukudi District.

5.The Tahsildar,
Srivaikundam Taluk
Thoothukudi District

6.The Inspector of Police,
Srivaikundam Police Station,
Srivaikundam

+1 CC to M/s.P.M.. VISHNUVARTHANAN, Advocate (SR-22408[F]
dated 29/04/2022)

+1 CC to M/s.SPL. GP (SR-22954[F] dated 29/04/2022)

W.P. (MD)No.26010 of 2019

28.04.2022

nsn (CO)

GC(26.05.2022) 4P 9C