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W.P.No.6549 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.6549 of 2023

Kumaran

...Petitioner

Vs

1. The District Collector,
Office of the Collectorate,
Tiruvallur, Tiruvallur District.
2. The Revenue Divisional Officer,
Ponneri Division, Thiruvallur District.
3. The Thasildar,
Taluk Office, Gummidipoondi,
Thiruvallur District.
4. Kumarasamy

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 18.07.2022 for cancellation of the Patta in the name of Kumarasamy and issue Patta in the name of Ramasamy (i.e., Petitioner's Father) as previously exist.

For Petitioner : Mr.N.Ganesh

For Respondents : Mr.Yogesh Kannadasan
SGP for RR1 to 3



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ORDER

WEB COPY Heard Mr.N.Ganesh, learned counsel for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader for the respondents 1 to 3.

2. In view of the order to be passed in this Writ Petition granting liberty to the fourth respondent, notice to the fourth respondent is hereby dispensed with.

3. The proviso to Section 14 of the Tamil Nadu Patta Pass Book Act, 1983 states that, if any person is aggrieved against any right of which he is in possession, by an entry made in the patta pass book under this Court, he may institute a suit against the person denying his right or interest for declaration of his rights under Chapter VI of the Specific Relief Act, 1963 and the entry in the patta pass book shall be amended in accordance with any such declaration made by the Civil Court. So also does Rule 4(4) of the Tamil Nadu Patta Pass Book Rules, 1987.

4. In the instant case, both the petitioner, as well as the fourth respondent herein, allege that they have rights over the property in Survey No.209/4 of an extent of 0.79 cents in Peruvoyal village, Ponneri Taluk, Thiruvallur District.



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5. In view of the title dispute between the petitioner, as well as the fourth respondent, it would be appropriate that they resolve their dispute before the concerned Civil Court of law. As such, the prayer sought for in this Writ Petition to quash the impugned order, does not require interference.

6. In the light of the above findings, the petitioner, the fourth respondent as well as any other persons who may be interested in the subject property, are granted liberty to approach the Civil Court, within a period of 60 days from today, to exercise their respective rights for declaring the title over the subject property.

With the above liberty, the Writ Petition stands dismissed. No costs.

07.03.2023

Index: Yes/No
Speaking order/Non-speaking order
sr



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M.S.RAMESH,J.

SR

To

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