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W.P.No.8150 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.8150 of 2023

Chandrakasan

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Petitioner

VS

1. The District Collector
Collector Office
Ariyalur, Ariyalur District.
2. The District Revenue Officer
Ariyalur – 621 704
Ariyalur District.
3. The Revenue Divisional Officer
Revenue Divisional Office
Ariyalur, Ariyalur District.
4. The District Registrar
Udayarpalayam
Ariyalur District.
5. The Divisional Manager
Indian Oil Corporation
Trichy Divisional Office
Trivent 3rd Floor
No.35, Shastri Road
Thillai Nagarm, Trichy – 620 018.
6. Chindamani
7. Saravanan
8. Kalamani
9. Chinnakannu
10. Lalitha

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Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 09.02.2023 and further directing the respondents 1 to 4 to cancel the patta issued in the name of the respondents 6 to 10 and transfer the same in the name of the Chellammal, W/o.Thangavel in respect of the property measuring an extent of 0.34.50 acres comprised in S.No.259/2, situated in Ellayur (w) Village, Andhimadam Taluk, Ariyalur District Vanathirayan Pattinam Village.

For Petitioner : Mr.M.Senthil Vadivu

For Respondents : Mr.T.Arunkumar
Additional Government Pleader
for R1 to R4

Mr.M.Loganathan
for R6 to R10

R5 not ready in notice

ORDER

The relief sought for in the present writ petition is to consider the representation submitted by the writ petitioner on 09.02.2023.

2. The grievance of the writ petitioner is that the Tahsildar recently granted patta in the name of the contesting respondents in the present writ petition. In this regard, the petitioner submitted representations to the District Collector, District Revenue Officer, Tahsildar and the District Registrar on 09.02.2023.



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3. Patta is to be granted by the competent authorities / Tahsildar under the provisions of the Patta Passbook Act, 1987. The aggrieved person can prefer an appeal before the Revenue Divisional Officer for cancellation of patta or otherwise. In such circumstances, such an application must be properly filed by enclosing all the relevant documents and by paying the prescribed fee. The statutory appeals are to be filed in the prescribed format. Mere representation sent to various authorities will not provide a cause for filing a writ petition. The petitioner, who is approaching the High Court, has to establish the right. It is the principle condition to establish the right for the purpose of entertaining the writ petition. In the present case, the representations sent by the writ petitioner is of no avail for seeking relief from the hands of this Court.

4. The learned Additional Government Pleader brought to the notice of this Court that subsequent to the complaint, the document has been registered before the Sub-Registrar concerned on 27.12.2022. If at all there is a dispute with reference to the title or ownership, then, the parties have to be relegated to resolve the issue through the Civil Court of law. In the event of any civil disputes, the revenue authorities are incompetent to consider the application filed for grant of patta or otherwise. Therefore, the



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petitioner is at liberty to approach the competent Civil Court of law for the purpose of resolving the issues in the manner known to law.

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5. With these directions, the writ petition is disposed of. There will be no order as to costs.

Index : Yes/No
Neutral Citation : Yes/No

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S.M. SUBRAMANIAM, J.

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