



C.R.P. No.442 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2023

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No.442 of 2023

B.Dayalan,
S/o. Late A.Bashingam

... Petitioner

Versus

V.J.Porkaipandian,
S/o. Jagannathan

... Respondent

PRAYER : Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the fair Order dated 21.11.2022 made in unnumbered plaint in S.R.No.10059 of 2022 with respect to the relief of suit prayer (b) as not maintainable in law for the purpose of numbering the suit, on the file of the Court of Principal Subordinate Judge at Kancheepuram.

For Petitioner

: Mr.D.Praveenkumar



appropriate forum by invoking Sec.10 of Patta Passbook Act.

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3. Today, when the matter taken up for hearing, the learned counsel for revision petitioner argues that as per Sec.10 of Patta Passbook Act, if any person any modification in respect of entry in the Patta passbook, then a person shall make an application before the concerned authority, but in the present suit, patta was already issued and though the possession was in the hands of the defendant, the revenue officials issued patta in favour of plaintiff. Hence, he prayed to declare the patta issued in favour of plaintiff as null and void and for that, he is entitled to file a suit as per proviso contained in Sec.14 of Patta Passbook Act (hereinafter called as 'Act'). Sec.14 of the Act reads as follows :-

*“14. **Bar of suits.** No suit shall lie against the Government or any officer of the Government in respect of a claim to have an entry made in any patta pass book that is maintained under this Act or to have any such entry omitted or amended.*

Provided that if any person is aggrieved as to any right of which he is in possession, by an entry made in the patta pass book under this Act, he may institute a suit against any



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person denying or interested to deny his title to such right, for a declaration of his rights under Chapter VI of the Specific Relief Act, 1963 (Central Act 47 of 1963) and the entry in the patta pass book shall be amended in accordance with any such declaration.”

So, as per the above provision of law, the proviso permits that if any person is aggrieved as to any right of which he is in possession, he may institute a suit against any person. Hence, he is entitled to file a suit and to claim right before the civil forum. Therefore, Sec.14 of the Patta Passbook Act also permits the plaintiff to approach the civil forum. Furthermore, learned counsel for plaintiff represented the plaint by mentioning Sec.14 of the Act before the trial court, but the trial judge not accepted the same.

3. As discussed above, Sec.10 of the Act would apply only for modification in respect of any entry in the patta passbook already issued and if there is any dispute with regard to title, under Sec.14 of the said Act, the party concerned can approach the civil forum. So, the plaintiff has rightly approached the civil forum, but the order of the trial judge not taking the plaint on file by invoking Sec.10 of the Act, as such is not maintainable.



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Hence, the findings of the trial judge is set aside and the trial court is directed to take the plaint on file within a period of two weeks from the date of receipt of copy of this order and number the same if it is otherwise found to be in order. Accordingly, this Civil Revision Petition is allowed. No costs.

14.03.2023

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N.B. Issue order copy on 15.03.2023

To

Principal Sub-Judge,
Kancheepuram.



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T.V.THAMILSELVI, J.

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