



W.P.No.6945 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.6945 of 2023

K.Jayaramanaidu

...Petitioner

Vs

1.The Revenue Divisional Officer,
Thiruvallur Taluk,
Thiruvallur District.

2.The Village Administrative Officer,
Pakkam Village,
Thiruvallur District – 602 024.

3.M.Varadhan

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent herein to dispose of the enquiry proceedings vide Na.Ka.No.3240/2017/A5 dated 13.12.2017 for the cancellation of patta in favour of the petitioner for the property comprised in S.No.42/1 situated at Pakkam Village, Thiruvallur District.



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For Petitioner : Mr.S.Krishnamoorthy

For R1 & R2 : Mr.M.P.Murugan Raja,
Government Advocate

ORDER

Heard Mr.S.Krishnamoorthy, learned counsel for the petitioner and Mr.M.P.Murugan Raja, learned Government Advocate for the first and second respondents.

2. In view of the order to be passed in this Writ Petition granting liberty to the third respondent, notice to the third 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



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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 third respondent herein, allege that they have rights over the property in Survey No.42/1, Pakkam Village, Thiruvallur District.

5. In view of the title dispute between the petitioner, as well as the sixth 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 against the first respondent, to dispose of the enquiry proceedings for cancellation of Patta, does not require interference.

6. In the light of the above findings, the petitioner, as well as the third respondent herein, 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.



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M.S.RAMESH,J.

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7. With the above liberty, the Writ Petition stands closed. No costs.

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Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order

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To

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