



WEB COPY



W.P.No.6554 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.6554 of 2023
and WMP.No. 6629 of 2023

1. Anjala
2. Karthick

...Petitioners

Vs

1. The District Collector,
Krishnagiri District, Krishnagiri.
2. The Revenue Divisional Officer,
Krishnagiri District, Krishnagiri.
3. The Tahsildar,
Uthankarai Taluk,
Krishnagiri District.
4. Prabu (a) Prabakaran
5. Prakasam

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to cancel the patta number 1036, 1037 and 1376 in the name of 4th & 5th respondent and respective sub-division effect in the revenue records in respect of the



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S.No.22/1, 22/2A, 22/3B2 and 22/3A measuring 7 acres 30 cents and initiate fresh enquiry and notice for consensus of all parties/land owners concerned and to do field inspection of the surveyor taking note of the enjoyment of the frontage of the respective land owners and consequently issue fresh subdivision and patta to the parties concerned.

For Petitioners : Mr.T.N.Muralimoghan

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

ORDER

Heard Mr.T.N.Muralimoghan, learned counsel for the petitioners and Mr.Yogesh Kannadasan, learned Special Government Pleader for the respondents 2 and 3.

2. In view of the order to be passed in this Writ Petition granting liberty to the respondents 4 and 5, notice to the respondents 4 and 5, 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



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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 respondents 4 and 5 herein, allege that they have rights over the property covered under patta numbers 1036, 1037 and 1376.

5. In view of the title dispute between the petitioner, as well as the respondents 4 and 5, 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 respondents 4 and 5 as well as any other persons who may be interested in the subject property,



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M.S.RAMESH,J.

sr

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.
Consequently, connected WMP is closed.

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

To

1. The District Collector,
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3. The Tahsildar,
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