



W.P.No.7132 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.7132 of 2023

R.Thungapadhra

... Petitioner

vs.

1. The District Collector,
Collectorate, Kallakurichi, Kallakurichi District.

2. The Revenue Tahsildar,
Kallakurichi Taluk, Kallakurichi District.

3. The Zonal Deputy Tahsildar,
Kallakurichi, Kallakurichi District.

4. P.selvi

5. Keerthana@Manjula

6. Purushothaman@Manikandan

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated ...-11-2021 (signed on 08.10.2021) made in Na.Ka. A2/3655/2021 passed by the 2nd respondent,



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quash the same and consequently direct the respondents to grant patta in the petitioner's name in respect of the land measuring an extent of 4.10 Acres bearing S.F.No.134/1A, S.F.No.8/11B, S.F.No.79/1, S.F.No.135/5 and well in S.F. No.134/1B, Kunniyur Village, Kallakurichi Taluk, Kallakurichi District by considering her online application for patta transfer dated 21.07.2020, 20.12.2020, 21.06.2021 and 20.01.2023.

For Petitioner : Mr.N.Manokaran
For Respondents :
(for R1 to R3) : Mr.C.Jaya Prakash,
Government Advocate
(for R4 to R6) : C.Prakasam

ORDER

The order impugned signed on 08.10.2021 by the Tahsildar Kallakurichi, rejecting the application submitted by the petitioner for grant of patta, is under challenge in the present writ petition.

2.The petitioner states that the petitioner inherited the property and therefore filed a new partition deed dated 02.11.2006 registered before the Sub Registrar. The petitioner submitted an application before the Tahsildar Kallakurichi for grant of patta on 22.02.2022 and 21.09.2021. The learned counsel for the petitioner mainly contended that the Tahsildar rejected the



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application even without conducting enquiry and by not affording any opportunity to the writ petitioner to present the documents which all are relied on by the petitioner. Unless an inquiry is conducted and the documents are scrutinised, the petitioner may not be in a position to redress her grievances. Thus, the unilateral decision taken by the Tahsildar is in violation of the provisions of the Patta Pass Book Act.

3. There is a counter claim by the respondents 4 to 6 in respect of the subject property. It is brought to the notice of this Court that the contesting respondents 4 to 6 has already instituted a Civil Suit in O.S.No.130 of 2022, on the file of the Additional Sub Court Kallakurichi. Once the Civil Suit has been instituted, the Revenue Authorities may not be in a position to consider the application for grant of patta or cancellation or otherwise. In the event of passing any order by the Revenue Authorities, the same would cause prejudice to either of the parties. In other words, patta can be granted only if the title is not disputed, but not otherwise. The provisions of the Patta Pass Book Act states that in the event of no dispute regarding title, the patta is to be granted to the holder of the immovable property. When there is a dispute, then the parties are to be relegated to approach the Civil Court of law for the purpose of resolving the issues.



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4. In the present case, the Civil Suit has already been instituted after passing of the order by the Tahsildar. That being the factum, the parties are at liberty to establish their rights before the Civil Court and after disposal of the Civil Suits, they are at liberty to approach the Revenue Authorities for grant of patta or for cancellation or otherwise. It is needless to state that the Revenue Authorities are incompetent to adjudicate the title disputes and the revenue documents would not confer any right on the parties. Thus, no further adjudication needs to be undertaken and the parties shall establish their case before the competent Civil Court wherein the suit is pending.

5. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

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S.M.SUBRAMANIAM. J.,

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