



WEB COPY

W.P.No.8581 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.8581 of 2023

Mr.Sureshkumar

... Petitioner

Vs.

1.The Tahsildar,
Office of Tahsildar,
Madharasa Road, Super Nagar,
Perambalur, Perambalur Taluk,
Perambalur District – 621 212.

2.Tmt.Deivanai

3.Mr.Sivakumar

4.Mathiyazhagan

5.Tmt.Indira Gandhi

6.Tmt.Premavathy

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the 1st respondent vide O.Mu. A2/ 1073/ 2023 dated 15.02.2023 and quash the same as arbitrary, illegal and against the principles



of natural justice and consequently direct the 1st respondent to conduct enquiry in the petitioners petition dated 14.02.2023 for inclusion of Petitioner's name in the Patta No. 3665 as Joint Pattadar in respect of the petition property measuring Hectares 0.40.5 Ares out of Hectares 0.58.0 Ares comprised in S.No. 38/4A1, situated in Thuraimangalam Village, Perambalur Taluk, Perambalur District by affording an opportunity of personal hearing to the petitioner and decide the same in accordance with law.

For Petitioner	: Mr.E.Prabu
For R1	: Mr.T.Arunkumar, Additional Government Pleader
For R2 to R6	: No appearance

ORDER

The writ on hand has been instituted questioning the validity of the order dated 15.02.2023 passed by the 1st respondent, rejecting the claim of the petitioner for grant of patta. The Tahsildar, Perambalur in the impugned order has stated that the parties can workout their remedy before the civil court of law.

2. Section 3 of the Tamil Nadu Patta Passbook Act, 1983 enumerates that *“the Tahsildar shall issue a patta passbook to every owner in respect of*



land owned by him, on an application made by him in this behalf.” Thus, the application under the Tamil Nadu Patta Passbook Act shall be entertained in the event, where no dispute exists regarding title or ownership. If at all any dispute exists between the parties, they have to be relegated to approach the competent Civil Court of law for the purpose of establishing their civil rights.

3. The learned Government Advocate appearing for the 1st respondent made a submission that a Civil Suit in O.S.No.390 of 2004 is pending on the file of the District Munsif Court, Perambalur and the said suit was dismissed for non-prosecution. Subsequently, the Suit was restored and posted for further hearing on 07.09.2023.

4. Since the Civil Suit is pending and posted for further hearing, the parties are at liberty to establish their respective cases through documents and evidences available on record. After the disposal of the Civil Suit or reaching finality, either of the party is at liberty to file an application under the provisions of the Tamil Nadu Patta Passbook Act, 1983 for grant of patta, cancellation of patta or mutation of revenue records, as the case may be.



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5. With these observations, the Writ Petition stands dismissed.

No costs.

28.08.2023

skr

Index : Yes

Speaking order

Neutral Citation : Yes

To

The Tahsildar,
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Madharasa Road, Super Nagar,
Perambalur, Perambalur Taluk,
Perambalur District – 621 212.



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S.M.SUBRAMANIAM, J.

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