



WEB COPY

WP No.9741 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28-06-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.9741 of 2023

And

WMP No.9823 of 2023

Aanji

... Petitioner

Vs.

1.The District Collector,
Salem District,
Salem.

2.The District Revenue Officer,
Salem.

3.The Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Mettur.

4.The Tahsildar,
Omalur Taluk,
Salem District.

5.Venkatachalam

6.Rajkamal

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the third respondent dated 30.12.2022 in Oo.Mu.No.5319/2022-C and to quash the same as illegal and consequently direct the third respondent to delete the name of Thangavel, Son of Kandhasamy Udaiyar in Patta Nos.305 and 162 and issue separate patta in favour of the petitioner's mother Marriammal in respect of Survey No.28/4B with corresponding Patta No.305 and S.No.28/4C with corresponding Patta No.162 situated at Edaiyappatti Village, Omalur Taluk, Salem District.

For Petitioner : Mr.C.Prabakaran

For Respondents-1 to 4 : Mr.D.Ravichander,
Special Government Pleader.

For Respondent-5 : Mr.M.Udhayakumar

For Respondent-6 : Mr.M.Vijaya Raghavan

ORDER

The order impugned dated 30.12.2022 passed by the third respondent, is sought to be quashed in the present writ petition.



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2. The petitioner states that he is the owner of the subject property more fully described in the present writ petition. The petitioner submitted an application to cancel the patta stands in the name of the fifth respondent.

3. The said application was taken into consideration by the Competent Authority and after conducting an enquiry, the Revenue Divisional Officer, Mettur formed an opinion that there is a dispute exists between the parties regarding their civil rights and therefore, they have to approach the Competent Civil Court of Law.

4. The learned counsel appearing on behalf of the fifth respondent made a submission that the petitioner is not the owner of the subject property and the fifth respondent is in possession of the title documents. Patta also stands in the name of the fifth respondent. Therefore, rejection of the application by the Revenue Divisional Officer is in consonance with the provisions of the Patta Pass Book Act, 1983.



5. The learned counsel for the sixth respondent made a submission that the sixth respondent purchased a portion of the property from the fifth respondent and in respect of such purchase, the sixth respondent is in possession of said portion of the property.

6. In the event of any disputed issues regarding civil rights, the Authorities Competent under the Patta Pass Book Act, 1983, is empowered to conduct an adjudication and they are bound to relegate the parties to approach the Competent Civil Court of Law for the purpose of resolving the issues.

7. In the present case, the petitioner raises certain disputes regarding his civil rights. That being the factum, the petitioner has to approach the Competent Civil Court of Law for the purpose of establishing his right through documents and evidences available on record.

8. This being the principles to be followed, the findings of the Revenue Divisional Officer, Mettur in the order impugned is in consonance



with the spirit of the Patta Pass Book Act, 1983 and there is no infirmity as such. Thus, the petitioner is at liberty to approach the Competent Civil Court of Law for establishing his right.

9. Accordingly, the present writ petition stands dismissed.

However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also dismissed.

28-06-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn

To

- 1.The District Collector,
Salem District,
Salem.
- 2.The District Revenue Officer,
Salem.
- 3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
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4.The Tahsildar,
Omalur Taluk,
Salem District.

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S.M.SUBRAMANIAM, J.

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