



WEB COPY

WP No.7105 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20-04-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.7105 of 2015

And

MP No.1 of 2015

R.Maharaja

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary to the Government,
Revenue Department,
Fort St. George,
Chennai-600 009.
- 2.The Chairman,
Tamil Nadu Slum Clearance Board,
Kamarajar Salai,
Chennai-600 005.
- 3.The District Collector,
Kancheepuram District,
Kancheepuram.
- 4.The Sub-Collector/Revenue Divisional Officer,
Tambaram Division,
Chennai-600 045.



5.The Tahsildar,
Tambaram Taluk,
Chennai-600 045.

6.The Junior Engineer,
Tamil Nadu Slum Clearance Board,
T.Nagar,
Chennai-600 017.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the fifth respondent to issue patta to the petitioner in respect of his occupied lands of 3 cents comprised in 403/3, Annai Anjugam Nagar, Old Perungalathur, Chennai-63, based on the representation of the petitioner dated 24.12.2014 made to the Revenue Officials concerned.

For Petitioner : Mr.G.Ravishankar

For Respondents-1,3 to 5: Mr.Abhishekmurthy,
Government Advocate.

For Respondents-2 and 6 : Mr.B.S.Sundaramoorthi

ORDER

The present writ petition is filed to direct the fifth respondent to issue patta to the petitioner in respect of his occupied lands of 3 cents comprised in 403/3, Annai Anjugam Nagar, Old Perungalathur, Chennai-63,



based on the representation submitted by the writ petitioner on 24.12.2014 to the Revenue Officials concerned.

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2. The High Court cannot issue a direction to the Tahsildar to issue patta. Patta is to be issued by following the procedures conducted under the Patta Pass Book Act, 1983. In the event of submitting an application, the Tahsildar has to conduct an enquiry and thereafter consider for grant of patta, cancellation of patta or mutation of revenue records. Such disputes cannot be adjudicated on merits in the writ proceedings.

3. Therefore, the relief, as such, sought for in the present writ petition cannot be granted. If at all any dispute exists between the parties, they will have to approach the Competent Civil Court of Law and only in the event of establishing the ownership or title, the patta is to be granted by the Competent Authority under the Patta Pass Book Act, 1983. The Tahsildar is incompetent to determine the title or ownership in respect of the immovable property. Hence, the petitioner is at liberty to file an appropriate application under the Patta Pass Book Act, 1983 for the purpose of grant of patta and in the event of any dispute, the petitioner has to approach the



Competent Civil Court of Law.

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4. With the abovesaid observations, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

20-04-2023

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

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To

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Chennai-600 009.
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S.M.SUBRAMANIAM, J.

Svn

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