IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.29229 of 2016

R.N.Syed Mukram ...Petitioner

Vs.

1.The Collector,
Thiruvannamalai Collectorate,
Thiruvannamalai – 606 604.

2.The Divisional Revenue Officer,
Thiruvannamalai Collectorate,
Thiruvannamalai – 606 604.

3.The Special Tahsildar,
Nagara Nilavariya Thittam,
Thiruvannamalai Tashildar Office,
Thiruvannamalai – 606 601.

4.The Municipal Commissioner,
Municipal Office,
Thiruvannamalai – 606 601.

5.Jerena Bee
6.R.N.Syed Akmal
7.Abrose Dhavuth

(R5 to R7 impleaded vide Court order
dated 10.04.2023 in W.M.P.No.20668 of 2019
in W.P.No.29229 of 2016) ..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 3rd respondent to consider the petitioner representation dated 23.07.2016.

For Petitioner	: Mr.M.Murugesan
For R1 to R3	: Mr.T.Arun Kumar Additional Government Pleader
For R4	: Mr.B.Anand
For R5 to R7	: Mr.Ilvarasan For Mr.G.Ethirajulu

ORDER

The relief sought for in the present writ petition is for a direction to direct the 3rd respondent to consider the representation of the petitioner dated 23.07.2016.

2. Grant of patta, cancellation of patta or mutation of revenue records are to be done strictly in accordance with the Patta Passbook Act, 1983. For grant of patta or its cancellation or otherwise, aggrieved persons have to submit an appropriate application before the competent authorities in a prescribed format. The competent authority has to conduct an enquiry by affording an opportunity to all the parties and thereafter, determine the issues on merits and in accordance with law.

3. If any party is aggrieved, then an appeal remedy is also contemplated under the Patta Passbook Act, 1983. If at all there is any dispute with reference to the title or ownership, then the Revenue authorities have no authority to decide the title or ownership. They must direct the parties to approach the competent Civil Court of law for the purpose of establishing their right. Therefore, the Revenue authorities cannot decide the title or ownership in respect of the immovable properties. In this regard, the parties aggrieved, must approach the competent Civil Court.

4. In the present case, if the petitioner could able to establish the title or ownership without any ambiguity or dispute, then alone, the Revenue authorities have to consider for grant of patta, cancellation of patta or otherwise.

5. This being the principles to be followed, the petitioner is at liberty to approach the competent authority for the purpose of redressal of his grievances. In such an event, the competent authority shall take a decision in consonance with the provisions of the Patta Passbook Act, 1983 and on merits.

6. With this liberty, the writ petition stands disposed of. No costs.

10.04.2023
(2/2)

Index : Yes
Speaking order
Neutral Citation:Yes
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To

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S.M.SUBRAMANIAM, J.

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W.P.No.29229 of 2016
(2/2)

10.04.2023