



WEB COPY

WP No.12590 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13-06-2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.12590 of 2019

And

WMP Nos.12832 and 12833 of 2019

C.Manoharan

... Petitioner

Vs.

1.The District Revenue Officer,
Namakkal,
Salem District.

2.The Revenue Divisional Officer,
Namakkal,
Namakkal District.

3.Mr.Subbiah Pillai

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records of the second



respondent in his Na.Ka.No.4198/2014/A6 dated 09.08.2018 as confirmed on appeal by the first respondent in his Pa.Mu.No.30978/2018/01 dated 15.02.2019 and quash the same.

For Petitioner : Mr.S.Mahesh

For Respondents-1 and 2: Mr.D.Ravichander,
Special Government Pleader.

For Respondent-3 : No Appearance

ORDER

The orders dated 09.08.2018 and 15.02.2019 issued by the Competent Authorities under the provisions of the Patta Pass Book Act, 1983, is under challenge in the present writ petition.

2. The petitioner filed an application for transfer of patta. The Revenue Divisional Officer, Namakkal rejected the application. The petitioner preferred an appeal before the District Revenue Officer, Namakkal.



3. The Appellate Authority adjudicated the issues on merits by affording an opportunity to all the parties concerned. The District Revenue Officer made a clear finding that the District Munsif Court, Namakkal passed judgment and decree in OS No.104 of 2001 dated 21.12.2001 in favour of the third respondent Mr.Subbiah Pillai.

4. When there is a civil decree in favour of the third respondent, the Revenue Authorities cannot issue transfer of patta based on the application submitted by the writ petitioner. Section 14 of the Patta Pass Book Act, 1983 unambiguously stipulates that the decree furnished is to be acted upon by the Competent Authorities.

5. In the present case, the suit filed in OS No.104 of 2001 ended in favour of the third respondent and therefore the application submitted by the writ petitioner for transfer of patta has been rejected. If at all the dispute remains, the petitioner has to approach the Competent Civil Court of Law in the manner known to law and by preferring an appeal or otherwise, as the case may be.



6. With the above observations, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are also dismissed.

13-06-2023

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

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S.M.SUBRAMANIAM, J.

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