



WEB COPY

W.P.No.15734 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.15734 of 2021

and

W.M.P.No.16634 of 2021

1.M.Arun

2.M.Jagatratchagan

3.M.Janaki

4.C.Vijayakumar

... Petitioners

Vs.

1.The District Collector,
Erode – 638 001,
Erode District.

2.The Revenue Divisional Officer,
Erode – 638 011,
Erode District.

3.The Thasildar,
Taluk Office,
Kodumudi, Erode District,
Erode – 638 011.

4.The Executive Officer,
Nageswara Swamy Temple,
Unjalur – 638 152, Erode District.

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 2 and 3 to effect change of patta in the name of the petitioners in New Survey No.231/10, 231/6, 231/7, 231/13, 213/14, 231/8 and 231/9 and old survey number for these lands S.No.253/N, 283, 281, A1 to an extent of 2.58 acres in Unjalur Village, Kodumudi Taluk, Erode District by considering the petitioners representation dated 03.07.2021.

For Petitioners	: Mr.N.Palani Kumar For Mr.P.Kannan Kumar
For R1 to R3	: Mr.D.Ravichander Special Government Pleader
For R4	: No Appearance

ORDER

The relief sought for in the present writ petition is to direct the respondents 2 and 3 to effect change of patta in the name of the petitioners in New Survey No.231/10, 231/6, 231/7, 231/13, 213/14, 231/8 and 231/9 and old survey number for these lands S.No.253/N, 283, 281, A1 to an extent of 2.58 acres in Unjalur Village, Kodumudi Taluk, Erode District by considering the petitioners representation dated 03.07.2021.



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2. The petitioners state that originally the patta was granted in the name of the petitioners based on the order passed by the Settlement Tahsildar, Coimbatore dated 29.03.1974. However, the patta that stood in the name of the petitioners, were transferred to the name of the 4th respondent / Tahsildar subsequently. As of now the name of the Temple is found in the revenue register and the learned counsel for the petitioners states that he made an application to transfer the patta by changing the entries in the revenue records.

3. Section 14 of the Tamil Nadu Patta Pass Book Act, 1983 is extracted herein.

“14. Bar of suits. - No suit shall lie against the Government or any officer of the Government in respect of a claim to have an entry made in any patta pass book that is maintained under this Act or to have any such entry omitted or amended:

Provided that if any person is aggrieved as to any right of which he is in possession, by an entry made in the patta pass book under this Act, he may institute a suit for a declaration of his rights under Chapter VI of the Specific Relief Act, 1963 (Central Act 47 of 1963); and the entry in the patta pass



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book shall be amended in accordance with any such declaration.”

4. In such circumstances, where the patta has been transferred in the name of the Temple and the petitioners claim that the original patta stood in the name of the petitioners is to be restored, an adjudication is required and such an adjudication regarding the title cannot be under taken by the revenue authorities nor the High Court in a writ proceeding under Article 226 of the Constitution of India. Thus, under Section 14 of the Tamil Nadu Patta Pass Book Act, the petitioners have to approach the Competent Civil Court of Law for the purpose of establishing their title and only after crystallisation of the civil rights between the parties, necessary applications are to be submitted for the purpose of effecting changes in the revenue registers. Thus, the petitioners are at liberty to do so, if they are advised.

5. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

10.08.2023
(2/2)

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Index : Yes
Speaking order
Neutral Citation : Yes

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To

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S.M.SUBRAMANIAM, J.

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