



W.P.No.16958 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.16958 of 2023

D.Munusami

... Petitioner

Vs

1.The District Collector,
Thiruvannamalai,
Thiruvannamalai District.

2.The Revenue Divisional Officer,
Cheyyar, Thiruvannamalai District.

3.The Tahsildar,
Cheyyar,
Thiruvannamalai District.

4.Perumal

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 17.04.2023 and hear the petitioner's objection and dispose of it on merits in accordance with law.

For Petitioner : Mr.K.G.Senthilkumar

For Respondents : Mr.T.Arunkumar
Addl. Government Pleader for R1 to R3



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ORDER

The relief sought for in the present writ petition is to direct the respondents to consider the representation submitted by the writ petitioner on 17.04.2023 and thereafter take a decision for grant of joint patta or otherwise in favour of the members of the family.

2. The grievance of the writ petitioner is that patta stands in his name in respect of property owned by his deceased wife. The other family members also claim joint patta on the ground that the said property was not solely purchased by the deceased wife of the writ petitioner. The Tahsildar is conducting an enquiry. The petitioner states that no opportunity was given to him nor the objections submitted by him was taken into consideration. Thus, the petitioner is constrained to move the present writ petition.

3. It is needless to state that while undertaking the process of enquiry to grant patta, joint patta or its cancellation, the original authority has to conduct an enquiry by affording an opportunity to all the parties. The necessary parties need not be deprived of their opportunity to all the parties



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including the petitioner at the time of conducting an enquiry and the issues are to be decided on merits and in accordance with law and by following the procedures as contemplated under the provisions of the Patta Passbook Act and the Rules thereunder.

4. Pertinently, the Tahsildar or any other revenue authority has no jurisdiction to decide the title, ownership or other civil rights. The authorities are bound to decide the issues based on the documents and records available and they cannot travel beyond the scope of the provisions of the Patta Passbook while undertaking the enquiry for grant of patta or its cancellation or otherwise.

5. With the above observation, the Writ Petition stands disposed of. However, there shall be no order as to costs.

08.06.2023

Index : Yes / No

Speaking Order : Yes / No

Sgl

S.M.SUBRAMANIAM, J.



WEB COPY

To

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