



W.P.No.17101 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.17101 of 2023

and

W.M.P.Nos.16272 & 16274 of 2023

Mr.N.Rajendran

... Petitioner

Vs.

1. The District Collector,
Tiruvallur District,
Tiruvallur.

2. The District Revenue Officer,
Tiruvallur District,
Tiruvallur.

3. The Revenue Divisional Officer,
Tiruvallur.

4. The Tahsildar,
Uthukottai Taluk,
Uthukottai.

5. Mr.N.Gopi.

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the second respondent in his proceedings in Na.Ka.No.378923/2022/No.2 dated May 2023 signed on 31.05.2023 and quash the same and direct the fourth respondent to implement the appeal order passed by the second respondent dated 31.03.2023.

For Petitioner : Mr.S.Ananda kumar

For Respondents : Mr.T.Arun Kumar
Additional Government Pleader
(For R1 to R4)

ORDER

The order dated 31.05.2023 passed by the Revenue Divisional Officer, Thiruvallur relegating the proceedings is under challenge in the present writ petition.

2. The learned counsel for the petitioner mainly contended that patta was initially granted in the name of the petitioner, which was subsequently cancelled by the Revenue Divisional Officer. While so, there is no reason to reverse back the order, which was already passed and thus, the petitioner has



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chosen to file the present writ petition to implement the appeal order passed in favour of the writ petitioner granting patta.

3. No doubt, patta was made in favour of the petitioner. Subsequently, the authorities found that there are some discrepancies in subdivision and survey numbers. In view of the discrepancies identified by the authorities, they have cancelled the patta and relegated the parties to approach the Civil Court of Law.

4. In respect of such decision, High Court cannot conduct a roving enquiry with reference to the title or ownership claimed by the parties. Once there is a dispute regarding title or ownership, then the parties are bound to approach the Competent Civil Court of Law for the purpose of establishing their case. Revenue Authorities are incompetent to adjudicate the title dispute or any other Civil dispute. Only if there is no dispute regarding the title and the documents, the Revenue Authorities will be in a position to grant patta by following the procedures as contemplated under the provisions of the Patta Passbook Act.



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5. That being the factum, in the present case the Revenue Divisional Authority found that there are discrepancies in the revenue records and relegated the petitioner to the Civil Court of Law. Thus, this Court do not find any infirmity in respect of the order passed by the The District Revenue Officer, Tiruvallur District. However, the petitioner is at liberty to appear before Civil Court for the purpose of establishing his case in the manner known to law.

6. With these observations, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

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S.M.SUBRAMANIAM, J.

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