



WEB COPY

W.P.No.17497 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.17497 of 2023

Mr.R.Damodaran

... Petitioner

Vs.

1.The Tahsildar,
Madukkarai Taluk Office,
Madukkarai,
Coimbatore District.

2.P.Shanmugam

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to consider the representation of the petitioner dated 27.01.2023 by deleting the name of the 2nd respondent, restore the Patta No.5638 for Survey No.470/1B-3, Patta No.3772 for Survey No.444/3C, Patta No.25 for Survey No.444/3D, Patta No.1874 for Survey No.446/4C, Patta No.1873 for Survey No.469/1B1 and Patta No.3420 for Survey No.469/1B2 in the name of the original owner, all situated in Vellalore Village, Madukkarai Circle, Coimbatore District.



For Petitioner

: Mr.R.Shanmugam

For R1

: Mr. D.Ravichander,
Special Government Pleader**ORDER**

The relief sought for in the present writ petition is to direct the 1st respondent to consider the representation of the petitioner dated 27.01.2023 and restore the patta granted in favour of the petitioner.

2. The learned counsel for the petitioner mainly contended that the patta granted in the name of the petitioner was cancelled without conducting an appropriate enquiry by the competent authority. However, there is a dispute between the petitioner and the 2nd respondent. The petitioner states that the 2nd respondent has no title and the petitioner is the absolute owner of the subject property. The Sale Deed stands in the name of the petitioner and therefore, the cancellation of patta is improper.

3. The very submission that the 2nd respondent is claiming patta in his favour reveals that there is a dispute between the parties. When two persons are claiming title over the same property, then the parties are to be relegated



to the Civil Court for adjudication. Revenue Authorities are incompetent to adjudicate the title or ownership in respect of the properties and more so, granting patta and cancellation of patta cannot be a final adjudication, since the Revenue proceedings would not confer any title or ownership. Ultimately the parties have to resolve the issues through Competent Court of Law by establishing their case through documents and evidences available on record.

4. Therefore, setting aside the order of cancellation of patta or a direction to grant patta would do no service to the cause of justice. Contrarily, the litigants will be back again and again to the Court by way of writ petition one way or other and therefore, the parties need not be unnecessarily dragged on to the judicial proceedings in respect of settling the issues in the manner known to law.

5. In the present case, there is a dispute between the petitioner and the 2nd respondent regarding title and under those circumstances, the Revenue Authorities ought not to have entertained any application for grant of patta or cancellation of patta. Whenever, a representation or an application



seeking patta or cancellation of patta explicitly reveals that there is a dispute between the parties, then the parties are to be relegated to the Civil Court for an appropriate remedy.

6. This being the principles to be followed, the revenue records including patta granted and the cancellation of patta, all shall be kept in abeyance till such time the parties resolve their dispute through the Competent Court of Law. Accordingly, the petitioner is at liberty to approach the Civil Court of Law for the purpose of establishing his right in the manner known to law.

7. With this liberty, this Writ Petition stands disposed of. No costs.

14.06.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



To

The Tahsildar,
Madukkarai Taluk Office,
Madukkarai,
Coimbatore District.

W.P.No.17497 of 2





WEB COPY

W.P.No.17497 of 2



S.M.SUBRAMANIAM, J.

Jeni

W.P.No.17497 of 2023

14.06.2023