



WEB COPY

WP No.22588 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10-08-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.22588 of 2021

S.Shanmuga Priyan

... Petitioner

Vs.

1.The District Collector,
Salem District.

2.The Revenue Divisional Officer,
Mettur,
Salem District.

3.The Tahsildar,
Mettur Taluk,
Salem District.

4.A.Rathinavel

5.R.Malliga

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent Nos.1 to 3 to consider the representation dated 06.08.2021 made by the petitioner herein for cancelling the patta issued for excessive landed property in Patta



No.3171 for S.No.160/3, Mecheri Village, Mettur Taluk, Salem District to the extent of 0-0.50 Hectares (0.12 cents) in favour of fourth respondent and in Patta No.5085 for S.No.160/3D1B, Mecheri Village, Mettur Taluk, Salem District to the extent of 0-0.50 Hectares (0.12 cents) in favour of fifth respondent.

For Petitioner : Mr.T.Sundaravadanam

For Respondents-1 to 3 : Mr.C.Jayaprakash,
Government Advocate.

For Respondent-4 : Mr.M.Nandakumar

For Respondent-5 : Mr.R.Asokan

ORDER

Section 3 of the Patta Pass Book Act, 1983 deals with issue of Patta Pass Book. Sub Section (1) contemplates “the Tahsildar shall issue a patta pass book to every owner in respect of land owned by him, on an application made by him in this behalf. Any application received under this section shall be acknowledged by the Tahsildar or any other Officer authorised by him in this behalf.”



2. Therefore, patta cannot be granted by the Revenue Authorities in the event of any dispute between the parties. In such circumstances, the parties are to be relegated to approach the Competent Civil Court of Law for the purpose of resolving the issues and to redress the grievances.

3. In the present case, the petitioner states that the land in question is a larger extent and there is a dispute exist between the petitioner and the respondents 4 and 5.

4. The learned Government Advocate, appearing on behalf of the respondents 1 to 3, made a submission that the petitioner's father sold the land in the year 1980 and thereafter a dispute aroused on account of subsequent sales and such disputes of civil nature, cannot be decided by the Revenue Authorities.

5. The Revenue Authorities are incompetent to adjudicate the disputes of civil nature or declare title or ownership. If at all any dispute exists, the parties have to approach the Competent Civil Court of Law.



6. In the present case, visibly the dispute exists between the parties and therefore, the Revenue Authorities refused to grant patta.

7. This being the factum, the petitioner is at liberty to approach the Competent Civil Court of Law. The High Court also cannot adjudicate the disputed facts of civil nature in writ proceedings under Article 226 of the Constitution of India. The power of Judicial Review under Article 226 of the Constitution of India is to verify whether the process under the Statute has been adopted by the Competent Authorities or not.

8. Thus the relief as such sought for in the present writ petition to grant patta, cannot be considered and after resolving the issues through Competent Civil Court of Law either of the parties are at liberty to submit an appropriate application before the Competent Authorities under the provisions of the Patta Pass Book Act, 1983, enabling the Authorities to consider the same.

9. With the above observations, the present writ petition stands



disposed of. However, there shall be no order as to costs.

10-08-2023

WEB COPY

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

Svn

To

- 1.The District Collector,
Salem District.
- 2.The Revenue Divisional Officer,
Mettur,
Salem District.
- 3.The Tahsildar,
Mettur Taluk,
Salem District.



WEB COPY

WP No.22588 of 2



S.M.SUBRAMANIAM, J.

Svn

WP 22588 of 2021

10-08-2023