



W.P No.25226 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P No.25226 of 2023 and
W.M.P.No.24634 of 2023

1. Chellam
2. Muruganantham
3. Kanagaraj

...Petitioners

Vs.

- 1.The District Collector,
Perambalur District.
2. District Revenue Officer,
Perambalur District.
3. The Revenue Divisional Officer,
Perambalur.
4. Tahsildar,
Perambalur, Perambalur District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the Respondents herein to issue Joint Patta in the name of the petitioners herein for the Punja land of an extent of 1.57 Acres, comprised in Survey No.243/2 in Varagupadi Village, Aladur Circle, Perambalur District and pass such further or other orders.

For Petitioners : Mr.C.Parthiban

For Respondents 1 to 4 : Mr.T.Arun Kumar
Additional Government Pleader



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ORDER

The writ petition is filed for directing the respondents to issue joint patta in the name of the petitioners herein for the Punja land to an extent of 1.57 Acres, comprised in Survey No.243/2 in Varagupadi Village, Aladur Circle, Perambalur District.

2. The petitioners state that the land measuring to an extent of 3.14 acres comprised in S.No.243/2 situated in Varagupadi Village, Aladur Circle, Perambalur District was originally belonged to one Mr.Chinnapaiyan as per the Resettlement Paisalathi Register. Thereafter, the father of the writ petitioners enjoyed the property. The petitioners states that they have inherited the property from their father. The petitioners submitted an application for grant of patta. The Thasildar, Perambalur submitted a report. The Revenue Divisional Officer, Perambalur by proceedings Na.Ka.A3/E/75365/2023 dated 05.06.2023 relegated the petitioners to approach the competent civil court of law for the purpose of resolving the title dispute. The subject property was under the possession of the original owner Mr.Chinnapaiyan pursuant to the re-settlement.

3. The learned counsel for the petitioners mainly contended that the entries made in favour of the rival claimants in the revenue



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records are made erroneously and such errors are indicated in the report of the Thasildar and that being the factum, District Revenue Officer, Perambalur ought to have granted patta in the name of the petitioners by cancelling the name of the rival claimants.

4. The learned Government pleader objected the said contention by stating that the rival claimants are in possession of the subject property for more than thirty years, the revenue records also stands in their name and all of a sudden, the petitioners submitted a document executed in favour of their father and under those circumstances, the authorities found that the issues relating to ownership cannot be adjudicated under the provisions of Tamil Nadu Patta Passbook Act, 1983 and consequently relegated the petitioners to approach the competent civil Court of law. Section 3 of the Tamil Nadu Patta Passbook Act, 1983 enumerates that the Tahsildar shall issue a patta passbook to every owner in respect of land owned by him, on an application made by him in this behalf. Therefore, undisputed ownership alone would provide a cause for submitting an application under the provisions of the Patta Passbook Act. In the event of any discrepancy or dispute or otherwise, the parties are to be relegated to approach the competent civil Court of law. In the present case, as per the order impugned, the rival claimants are in possession of



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the subject property for more than thirty years and the revenue records also stands in their name. Even if such facts are incorrect or otherwise, the same has to be established by the petitioners before the competent civil court of law. Even assuming that the entries in the revenue register made erroneously, the petitioners have to prove the same by producing documents and evidences for establishing their title and ownership. Thus the petitioners are at liberty to approach the competent civil court of law for the purpose of establishing their rights. In the event any such approach, the observations made in the present order cannot be taken against the petitioners and the petitioners are at liberty to establish their case independently based on the documents and evidences.

With these liberty, the writ petition stands dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

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Index : Yes
Speaking Order
Neutral Citation Case : No

gpa/gvn



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4. Tahsildar,
Perambalur, Perambalur District.
5. Additional Government Pleader,
High Court of Madras.



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S.M.SUBRAMANIAM, J.

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