



WEB COPY



W.P.No.26278 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.26278 of 2022

P.C.Dhandapani

...Petitioner

Vs

1. The District Revenue Officer,
Thiruvarur District
Thiruvarur
2. The Revenue Divisional Officer,
Mannargudi, Thiruvarur District.
(R.2 cause title amended vide order
dated 14.10.2022 made in WMP No.26774 of 2022)
- 3.The Tahsildar Taluk Office,
Thiruthuraipoondi Taluk,
Thiruvarur District.
4. Gunasekari

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed in Review Petition No.Na.Ka.2820/2022/A1 dated 08.09.2022 by the first respondent , quash the same and direct the 3rd respondent to issue patta in favour of the petitioner for land comprised in Old



W.P.No.26278 of 2022

Survey No.178/3, New Survey No.178/1, T.S.No.6, Block No.1, Ward “C” of Thiruthuraipoondi Village, Thiruthuraipoondi Taluk, Thiruvaur District measuring about 1454 sq.ft 135.08 sq.ft situated at Sannadhi Street, Thiruthuraipoondi Town based on the order by the 2nd respondent in Pa./Mu.5216/2021/A2 dated 18.02.2022 within a time frame.

For Petitioner : Mr.R.Sankarasubbu
for Mr.D.Bennington

For Respondents : Mr.R.P.Murugan Raja
Government Advocate
For R.1 to R.3
Mr.M.Palanivel
For R.4

ORDER

The petitioner claims right and title over the properties comprised in Old Survey No.178/3, New Survey No.178/1, T.S.No.6, Block No.1, Ward “C” of Thiruthuraipoondi Village, Thiruthuraipoondi Taluk, Thiruvaur District, measuring about 1454 sq.ft and 135.08 sq.ft situated at Sannadhi Street, Thiruthuraipoondi Town and thereby seeks for a direction to the respondents to issue patta.

2. The fourth respondent herein had earlier filed a Review Petition before the first respondent, seeking for grant of patta for the same survey



W.P.No.26278 of 2022

number, in which, the petitioner seeks right and title over the properties.

Through an order dated 08.09.2022, the fourth respondent's review petition came to be rejected by directing her to work out her remedy before the concerned civil court and thereby her application, seeking for transfer of patta was rejected.

3. When the fourth respondent makes a rival claim of title over the subject properties on par with the petitioner herein, the appropriate forum to redress would be the civil court.

4. Proviso to Section 14 of the Tamil Nadu Patta Pass Book Act, as well as Rule 4 of the Tamil Nadu Patta Pass Book Rules provide for such redressal of grievances before the civil court. In view of the specific bar under the above Act, prohibiting the revenue authorities from adjudicating a title dispute, the order passed by the first respondent herein in the Review Petition, preferred by the fourth respondent herein, cannot be found fault with. Though impugned order was passed as against the fourth respondent herein, the same analogy will apply to the petitioner also, who makes rival claim of the subject properties.



WEB COPY



W.P.No.26278 of 2022

M.S.RAMESH,J.,

sr

5. In this background, the petitioner is granted liberty to file appropriate civil suit to establish his right, title or ownership over the subject properties.

6. With the above liberty, the writ petition stands closed. No costs.

21.03.2023

Index:Yes/No

Speaking order/Non-speaking order

sr

To

1. The District Revenue Officer,
Thiruvarur District
Thiruvarur
2. The Revenue Divisional Officer,
Mannargudi, Thiruvarur District.
(R.2 cause title amended vide order
dated 14.10.2022 made in WMP No.26774 of 2022)
- 3.The Tahsildar Taluk Office,
Thiruthuraipoondi Taluk,
Thiruvarur District.

W.P.No.26278 of 2022