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W.P.No.6591 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.6591 of 2023

Sellamuthu

...Petitioner

Vs

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

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for records from 2nd respondent in **ந.க.ஆ3/8068/2019** dated .01.2022.



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For Petitioner : Mr.J.Milton Arul Rajendran

For R1 to R4 : Mr.R.P.Murugan Raja,
Government Advocate

ORDER

Heard Mr.J.Milton Arul Rajendran, learned counsel for the petitioner and Mr.R.P.Murugan Raja, learned Government Advocate for the respondents 1 to 4.

2. In view of the order to be passed in this Writ Petition granting liberty to the fifth respondent, notice to the fifth respondent is hereby dispensed with.

3. The proviso to Section 14 of the Tamil Nadu Patta Pass Book Act, 1983 states that, if any person is aggrieved against any right of which he is in possession, by an entry made in the patta pass book under this Court, he may institute a suit against the person denying his right or interest for declaration of his rights under Chapter VI of the Specific Relief Act, 1963 and the entry in the patta pass book shall be amended in



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accordance with any such declaration made by the Civil Court. So also does Rule 4(4) of the Tamil Nadu Patta Pass Book Rules, 1987.

4. In the instant case, both the petitioner, as well as the fifth respondent herein, allege that they have rights over the property in Survey Nos.152/2, 152/3, 155/3 and 155/5, Sellagudi Village, Alathur Taluk, Perambalur District, covered under Patta No.916.

5. In view of the title dispute between the petitioner, as well as the fifth respondent, it would be appropriate that they resolve their dispute before the concerned Civil Court of law. As such, the prayer sought for in this Writ Petition to quash the impugned order, does not require interference.

6. In the light of the above findings, the petitioner, as well as the fifth respondent, are granted liberty to approach the Civil Court, within a period of 60 days from today, to exercise their respective rights for declaring the title over the subject property.



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M.S.RAMESH,J.

hvk

7. With the above liberty, the Writ Petition stands closed. No costs.

06.03.2023

Index:Yes/No

Neutral Citation:Yes/No

Speaking order/Non-speaking order

hvk

To

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