



W.P.No.2653 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.2653 of 2020 &
W.M.P.No.3090 of 2020

- 1.R.S.Sri Shivakumar Chetty
- 2.R.Senthil Kumar Chetty
- 3.P.Murthy Chetty
- 4.P.Ravichandran Chetty
- 5.D.Vasugi Ammal
- 6.V.Anand Karthick
- 7.M.Marimuthu Chetty @ Ashok Kumar
- 8.R.Sarasu Ammal
- 9.M.Jayakumari Ammal
- 10.E.Amudha Ammal
- 11.S.Anitha Ammal
- 12.P.Sarasu Ammal
- 13.M.Rathi Ammal
- 14.V.Navaneetham Ammal
- 15.O.Sri Lakshmi Ammal
- 16.Y.Subhashini Ammal
- 17.S.Kamala Ammal
- 18.S.Jamuna Ammal

...Petitioners

-Vs-

- 1.The Tahsildar,
Tondiarpet Taluk,
Chennai - 600 001.



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2.The District Revenue Officer,
Chennai District, Chennai - 1.

3.The Collector of Madras,
Chennai - 1.

4.Arulmigu Drowpathiamman Kovil,
Drowpathiamman Kovil Street,
Kasimedu,
Royapuram, Chennai
Rep. by the Administrator
Pushpa
S/o. Karuna
No.53, Kasipuram,
3rd Street, Kasima Nagar,
Royapuram, Chennai - 600 013.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the authorities to consider the applications made on behalf the petitioners on behalf of the Successors in Interest of R.Muniappa Natar @ Muniappa Chettiar for the property mentioned in the Schedule therein, by to disposing of the application dated 31.03.2019 presented on 04.04.2019.

For Petitioners : Mr.R.Loganathan

For Respondents 1 to 3 : Mr.P.Sathish,
Additional Government Pleader

For Respondent 4 : No appearance



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ORDER

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As per Rule 4(4) of the Tamil Nadu Patta Pass Book Rules, 1987, when the Tahsildar is satisfied that the title dispute concerning the ownership of the patta is pending in a competent Civil Court having jurisdiction, he shall direct the concerned party to obtain a ruling from the concerned Civil Court before effecting the changes in the entries already made in the record.

2. In the instant case, admittedly, the petitioners had already filed a suit in O.S.No.642 of 2019 before the Third Additional Judge, City Civil Court, Chennai seeking for the relief of declaration of title for the subject property in R.S.No.3332/2 in Krishnampet, Kasimedu, Royapuram, Chennai and the same is pending.

3. Learned Additional Government Pleader on instructions submitted that the suit is posted for hearing on 24.03.2023. In view of Rule 4(4) of the Tamil Nadu Patta Pass Book Rules, the Tahsildar may not have the authority to adjudicate the ownership or title over the subject property and it would be the competent Court that may have the jurisdiction to declare the title.



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4. In this background, the relief sought for by the petitioners seeking for a direction to the revenue authorities to effect changes in the Patta Pass Book and incorporate their names therein, to be dealt with only by the Civil Court having jurisdiction.

5. In the light of the above observations and findings, this writ petition stands **dismissed** with a liberty to the petitioners to canvas all the grounds raised in the present writ petition before the concerned civil Court. No costs. Consequently, connected miscellaneous petition is closed.

13.03.2023

Index:Yes/No
Speaking Order/ Non-Speaking Order
Neutral Citation : Yes/No

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M.S.RAMESH, J.

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