



WEB COPY



W.P.No.25190 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.25190 of 2017

and

W.M.P.No.26633 of 2017

Shankar

... Petitioner

Vs.

1.The District Revenue Officer,
Villupuram.

2.The Revenue Divisional Officer,
Villupuram.

3.Alli Rani

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records leading to pass the impugned order of the 1st respondent dated 11.07.2017 passed in Order No.A3/27834/2010 and quash the same.

For Petitioner : Mr.N.C.Ashok Kumar

For R1 & R2 : Mr.C.Jayaprakash,
Government Advocate

For R3 : Mr.T.S.Sivakumar



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ORDER

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The order impugned passed by the first respondent in proceedings dated 11.07.2017 is sought to be quashed in the present Writ Petition.

2. The petitioner states that he is the absolute owner of the subject property fully described in the present writ petition. The petitioner purchased the said property vide Sale Deed dated 12.05.2008 registered as Document No.1548 of 2008. The petitioner submitted an application for grant of patta and subsequently, it was granted in his name. However, the 3rd respondent preferred an Appeal before the District Revenue Officer, who in turn cancelled the Patta granted in the name of the petitioner.

3. The findings of the District Revenue Officer reveals that the dispute of civil nature exist between the petitioner and the 3rd respondent and therefore, the revenue authorities cannot resolve the issues and relegated the petitioner to approach the competent Civil Court of law for the purpose of adjudication of disputed issues between the parties.



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4. Revenue authorities are incompetent to adjudicate the disputes of civil nature. Patta would not confer any title. Therefore, in the event of any dispute regarding title or ownership, the parties are to be relegated to approach the Civil Court of law and in the present case, the District Revenue Officer has rightly adopted the said principles.

5. The learned counsel for the petitioner made a submission that the 3rd respondent has instituted a Suit, which was dismissed for non-prosecution.

6. That being the factum, either of the party is at liberty to approach the Civil Court of law for the purpose of resolving the issues. After resolving the civil dispute, the petitioner or the 3rd respondent is at liberty to file appropriate application under the provisions of the Tamil Nadu Patta Passbook Act, 1983 for grant of patta, cancellation of patta or to mutate the revenue records, as the case may be.



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7. With this observation, the writ petition stands disposed of.

Consequently, the connected miscellaneous petition is closed. No costs.

17.08.2023

skr

Index : Yes

Speaking order

Neutral Citation : Yes

To

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Villupuram.

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S.M.SUBRAMANIAM, J.

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