



W.P. No. 16684 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2023

CORAM

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. No. 16684 of 2017

and

W.M.P. Nos. 18063 and 18064 of 2017

S.Venkatesan

... Petitioner

-VS-

1. The Collector
Kancheepuram
Kancheepuram District.
2. The Revenue Divisional Officer
Kancheepuram
Kancheepuram District.
3. The Tahsildar
Sriperumbudur Taluk
Sriperumbudur
Kancheepuram District.
4. Muniammal
5. Banu

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the Second Respondent relating to the impugned order vide his proceeding No. Na.Ka. No. 1122/2010/A2 dated 12.08.2013 quash the same insofar as it relates to cancel of Patta No. 2443, in respect of Plot No. 171



W.P. No. 16684 of 2017

comprised Survey No. 357/2 in Manimangalam Village, Sriperumbudur Taluk Kancheepuram District measuring an extent of 2790 square feet and to issue consequential directions to restore the Patta in his name.

For Petitioner : Mr. J.Muthukumaran

For Respondents : Mr. P.Sanjay Gandhi
Government Advocate (R1 to R3)

No Appearance (RR4 & 5)

ORDER

The order passed by the RDO in proceedings dated 12.08.2013 is sought to be quashed in the present writ petition.

2. The petitioner filed an application to cancel the patta granted in favour of the respondents 4 and 5. The petitioner also claims right in respect of the property described in the present writ petition. The application submitted by the petitioner to cancel the patta was rejected and the petitioner preferred an appeal before the Revenue Divisional Officer, Kanchipuram and the said appeal also has been rejected in proceedings dated 12.08.2013.

3. The Appellate Authority formed an opinion that the patta proceedings granted in favour of the petitioner was erroneous and accordingly cancelled the



W.P. No. 16684 of 2017

pattas and joint patta has been granted. The order impugned itself states that the petitioner is at liberty to prefer an appeal within a period of 30 days before the District Revenue Officer, Kanchipuram. Instead of preferring an appeal, the petitioner has chosen to file the present writ petition.

4. High Court cannot adjudicate the disputed issues relating to the properties and in this regard, the Revenue records are to be scrutinized by the competent authorities. Exhausting the Appellate remedy in such circumstances are of paramount important. If at all there is any disputed issue between the parties, they are bound to approach the competent Civil Court, if it is confined to the Revenue proceeding, then the revenue authorities may be in a position to determine the issues under the provisions of the Patta Passbook Act.

5. This being the factum, the petitioner is at liberty to prefer Revision before the District Revenue Officer, Kanchipuram as stated in the impugned order within a period of 30 days from the date of receipt of a copy of this order. In the event of filing any such revision, the same may be decided on merits and in accordance with law as expeditiously as possible.



W.P. No. 16684 of 2017

WEB COPY

6. Accordingly, the writ petition stands disposed of. Consequently, the connected Miscellaneous Petitions are closed. No costs.

04.07.2023

kak/skr

Index : Yes

Speaking order

To

1. The Collector
Kancheepuram
Kancheepuram District.
2. The Revenue Divisional Officer
Kancheepuram
Kancheepuram District.
3. The Tahsildar
Sriperumbudur Taluk
Sriperumbudur
Kancheepuram District.



WEB COPY



W.P. No. 16684 of 2017

S.M.SUBRAMANIAM, J.

kak/skr

W.P. No. 16684 of 2017

04.07.2023