



WEB COPY



W.P. No. 18193 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. 18193 of 2017

and

W.M.P. No. 19785 of 2017

M.Geetha

... Petitioner

-VS-

1. The District Revenue Officer
Villupuram District
Villupuram.
2. The Sub Collector
Thirukoilur
Villupuram District.
3. The Tahsildar
Ulundurpet Taluk
Ulundurpet
Villupuram District.

4. Usha

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records relating to the order passed by the First Respondent in his proceedings vide Se.Mu.Order No.Aa3/20166/2013 dated 27/05/2017 and quash the same.



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For Petitioner : Mr. C.Munusamy
For Respondents : Mr. D.Ravichander (R1 to R3)
Special Government Pleader
Mrs. R.Poornima (R4)

ORDER

The order, cancelling the patta granted in favour of the petitioner in proceedings dated 27.05.2017 is sought to be quashed in the present writ petition.

2. The petitioner states that she is the owner of the property described in the present writ petition. Patta was also granted in the name of the petitioner and she is in possession and enjoyment of the subject property. While so, the 4th respondent filed an application to cancel the patta granted in the name of the petitioner. The 1st respondent / the District Revenue Officer, Villupuram conducted an adjudication. The said application originally filed before the 2nd respondent / the Sub-Collector was rejected and challenging the order of rejection, the 4th respondent preferred an appeal before the District Revenue Officer, Villupuram. The District Revenue Officer, Villupuram, allowed the appeal filed by the 4th respondent by cancelling the patta originally granted in



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the name of the petitioner. The patta granted in favour of the petitioner was confirmed by the Sub-Collector in the original proceedings.

3. Perusal of the order impugned reveals that the District Revenue Officer has entered into an adjudication of disputed facts between the parties and cancelled the patta originally granted in the name of the writ petitioner. The competent authority under the provisions of the Patta Pass Book Act cannot venture into an adjudication of disputed issues between the parties, which is of civil Nature. If any person is able to establish undisputed title, then alone, the patta is to be granted. In the event of any dispute between the parties, the Revenue authorities are bound to relegate the parties to approach the competent Civil Court of Law. This being the scope of the provisions of the Patta Passbook Act, the District Revenue Officer, Villupuram has exceeded his jurisdiction and adjudicated certain disputed issues of civil nature between the parties, which would cause prejudice to the interest of the title and ownership raised between the parties.

4. The petitioner, based on the original patta is in possession and enjoyment of the property. That being the factum, the impugned proceedings are to be kept in abeyance, since this Court cannot adjudicate the disputed facts



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pertaining to the Civil dispute in a writ proceedings. Thus, the parties are at liberty to approach the Civil Court for the purpose of establishing their title, ownership or otherwise. However, the respondents 1 to 3 are directed to keep the impugned proceedings dated 27.05.2017 in abeyance, till such time, the Civil Dispute between the parties are resolved through the competent Civil Court of law. After disposal of the Civil Litigations, either of the party is at liberty to approach the Revenue authorities for grant of patta, cancellation of patta or mutation of records or otherwise.

5. Accordingly, the writ petition stands disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

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kak/skr

Index : Yes

Speaking order



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S.M.SUBRAMANIAM, J.

kak/skr

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