



**W.P(MD).No. 18698 of 2013**

**WEB COPY** BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED: 02.02.2023**

**CORAM**

**THE HON'BLE MR.JUSTICE K.KUMARESH BABU**

**W.P(MD)No.18698 of 2013**  
**and**  
**M.P(MD) Nos.1 and 2 of 2013**

RM.Kumarappam (died)

Yogu

..... Petitioner

(The Petitioner is substituted vide order of this Court  
dated 02.02.2023 in W.M.P(MD) No.1956 of 2023  
in W.P(MD) No.18698 of 2013)

- Vs-

1. The District Revenue Officer,  
Sivagangai District.
2. The Revenue Divisional Officer,  
Devakottai.
3. K.M.Ramachandran (died)
4. R.Paramasivam
5. C.Manoharan

... Respondents

(R-4 and R-5 are impleaded vide order of this Court  
dated 02.02.2023 in W.M.P(MD) No.22826 of 2018  
in W.P(MD) No.18698 of 2013)



**W.P(MD).No. 18698 of 2013**

**PRAAYER :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the second respondent in Proceedings Mu.Mu.A1-6573-2011, dated 22.06.2012 and confirmed by the impugned order of the first respondent in Proceedings Pa.Mu.P1/1519/2013, dated 23.09.2013 quash the same and consequently direct the respondents 1 and 2 herein to restore the patta in favour of the petitioner in respect of S.Nos.107/5 and 107/2, Chokkanathapuram Hamlet, Kallangudi Group, Karaikudi Taluk, Sivagangai District.

For Petitioner : Mr.S.Srinivasa Raghavan

For Respondents : Mr.M.Prakash  
Additional Government Pleader  
For R1 and R2  
: Mr.PR.Boome Rajan  
For R4 and R-5

: No appearance - R3

### **ORDER**

This Writ Petition has been filed challenging the order passed by the first respondent, dated 23.09.2013 and consequently, direct the respondents 1 and 2 herein to restore the patta in favour of the petitioner in respect of S.Nos.107/5 and 107/2, Chokkanathapuram Hamlet, Kallangudi Group, Karaikudi Taluk, Sivagangai District.



**W.P(MD).No. 18698 of 2013**

WEB COPY

2. The learned counsel appearing for the petitioner would submit that the suit in O.S.No.129 of 2012 has been filed by the District Munsif Court, Karaikudi and that the revenue authorities cannot decide for grant of patta, if there is dispute over the title of the property, in view of the Rule 4(4) of the Tamil Nadu Patta Pass Book Rules, 1987, which is as follows:

*“Rule 4 (4). In the event of the Tahsildar being satisfied that a dispute concerning ownership of patta is already pending in a Court or issues are raised before him which impinge on personal laws or laws of succession and all the parties interested do not agree on the ownership in writing, he shall direct the concerned parties to obtain a ruling on ownership from a competent Civil Court having jurisdiction before changing the entries as already recorded and existing in the various revenue records”.*

3. The Honorable Apex Court had also reiterated the provisions of the Rule 4(4).



**W.P(MD).No. 18698 of 2013**

WEB COPY

4. In view of the aforesaid provision of law, I do not propose to venture into the dispute as to the validity of the order passed by the first respondent. Hence, the petitioner as well as the private respondents are at liberty to approach the appropriate civil Court either in the pending civil suit or by initiating appropriate proceedings before the civil Court and thereafter, approach the revenue authorities for mutation of revenue records.

5. With the above said observation, this Writ Petition is closed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

**02.02.2023**

NCC: Yes / No

(3/3)

Index : Yes / No

Internet : Yes / No

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**W.P(MD).No. 18698 of 2013**

WEB COPY

To

1. The District Revenue Officer,  
Sivagangai District.
2. The Revenue Divisional Officer,  
Devakottai.



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**W.P(MD).No. 18698 of 2013**

**K.KUMARESH BABU, J.**

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Order made in  
**W.P(MD)No.18698 of 2013**

**02.02.2023**

**3/3**