



W.P.(MD)No.20861 of 2013

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :16.02.2023

CORAM

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

W.P.(MD)No.20861 of 2013

and

M.P.(MD).No.1 of 2013

S.Mohamed Abu Niyaz

.... Petitioner

Vs.

1.The District Revenue Officer,
Kanyakumari District,
Office at Nagercoil,
Kanyakumari District.

2.The Sub Collector,
Collector's Office,
Nagercoil,
Kanyakumari District.

3.B.Nawab John

.... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the first respondent herein in his proceedings in Na.Ka.M4/28069/2012 dated 14.11.2013 and quash the same



W.P.(MD)No.20861 of 2013

and further direct the respondents herein to maintain the Patta of the land to an extent of 5.556 cents comprised in R.S.No.S1/11 and S1/12, Edalakudi Oor Manai, Vadiveeswaram Village, Agastheeswaram Taluk, Kanyakumari District in the name of the petitioner.

For Petitioner :No appearance
For Respondents :Mrs.D.Farjana Ghoushia
Special Government Pleader for R1 & R2
:Mr.I.Saliyakhan for R3

ORDER

By order dated 05.01.2023, this Court had directed the Registry to serve notice to the petitioner. The said notice has been returned as “unclaimed”, inspite of intimation left at the residence of the petitioner.

2.The issue involved in this writ petition is challenging the patta given in favour of the third respondent. It has been repeatedly held by this Court as well as the Apex Court, that when a title dispute is there between the parties, the revenue authorities ought to have laid their hands, in view of Rule 4(4) of the Patta Pass Book Act.



W.P.(MD)No.20861 of 2013

WEB COPY

3. In the present case, the first and second respondent have entered into a title dispute and had decided between themselves. Be that as it may, this Court under Article 226 of Constitution of India, cannot entertain such dispute, as has been held by this Court reported in 1995(1) MLJ 426, in the case of ***Kuppuswami Nainar Vs The District Revenue Officer and others.***

4. Hence, I do not propose to venture into the averments made in this writ petition. However, the parties will be at liberty to approach the Civil Court, seeking redressal of their grievances.

5. Accordingly, this writ petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

16.02.2023

NCC :Yes/No
Internet :Yes/No
Index :Yes/No
sbn



W.P.(MD)No.20861 of 2013

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W.P.(MD)No.20861 of 2013

K.KUMARESH BABU, J.

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