



W.P.(MD)No.2489 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.2489 of 2013
and M.P.(MD)Nos.1 and 2 of 2013

J.Manickaraj

... Petitioner

versus

1. The District Revenue Officer,
Theni District,
Theni.

2. The Revenue Divisional Officer,
Periyakulam Sub Division,
Theni.

3. The Tahsildar,
Andipatti Taluk,
Theni District.

4. Packiyalakshmi

5. A.Pandiyarajan

6. A.Chandrasekaran
(R5 and R6 are impleaded vide order
dated 15.03.2023 in W.M.P.(MD)No.21776 of 2022)

... Respondents



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WEB COPY Writ Petition filed under Article 226 of Constitution of India, seeking for the issuance of Writ of Certiorari, to call for the records of the 1st respondent in Na.Ka.23486/12/D4 dated 08.01.2013 and consequent proceedings of 3rd respondent in Na.Ka.No.517/2013/B1 dated 29.01.2013 and quash the same as illegal.

For Petitioner : Mr.K.Balasubramanian
For R1 to R3 : Mr.S.Shaji Bino,
Special Govt. Pleader
For R4 : Mr.K.Guhan
For R5 and R6 : Mr.R.Thiumalai Murugan

ORDER

This Writ Petition is filed as against the order of the first respondent/the District Revenue Officer, Theni, dated 08.01.2013 and the consequential order of the third respondent/the Tahsildar, Andipatti Taluk, dated 29.01.2013.

2. The petitioner claims title over the property in Survey No. 853/6 situated at Andipatti Bit-I Village, Theni District. The patta,



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which originally stood in the name of the petitioner's father, has been transferred in the name of the petitioner and his mother. While so, the 4th respondent has preferred an appeal before the second respondent/the Revenue Divisional Officer, Periyakulam Sub-Division, Theni, as against the entries made in the patta. The second respondent, considering the rival submissions made, directed both the parties to approach the Civil Court. However, the 4th respondent has again preferred a revision before the first respondent/District Revenue Officer, Theni. The first respondent, by the impugned order dated 08.01.2013, directed to change patta in the name of the fourth respondent, her legal heirs and also the legal heirs of one Suriyanarayapillai as joint pattadars, which was carried out by the third respondent/the Tahsildar, Andipatti, Theni, by his proceedings dated 29.01.2013. Aggrieved over the same, the petitioner has preferred this writ petition.

3. When the writ petition was taken up for hearing, the learned



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counsel appearing for the 4th respondent submits that the 4th respondent died on 22.08.2013. He has also filed a memo to that effect on 03.10.2013. However, the petitioner has not taken any steps to implead the legal heirs of the 4th respondent.

4. The issue before this Court is with regard to grant of patta in favour of the 4th respondent, her legal heirs and also the legal heirs of one Suriyanarayapillai as joint pattadars.

5. As per Rule 4(4) of the Tamil Nadu Patta Pass Book Rules, 1987, if there is rival claim between two parties, the Revenue Authorities are not supposed to take any decision on the title. In all fairness, the Revenue Authorities ought to have directed the parties to approach the concerned Civil Court.

6. But, in this case, the first respondent has entertained the revision petition filed by the 4th respondent and also directed to change



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patta in the name of the 4th respondent, her legal heirs and also the legal heirs of one Suriyanarayapillai.

7. Since there is a dispute between the parties with regard to the title of the property, this Court, under Article 226 of Constitution of India, cannot conduct any roving enquiry with regard to the title of the property. Therefore, the petitioner shall work out his remedy before the Civil Court by filing a separate suit for declaration of title.

8. Accordingly, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

05.04.2023

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NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.



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B.PUGALENDHI, J.

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