



W.A.(MD) No.2006 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **22.11.2023**

CORAM

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**
AND
THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

W.A.(MD) No.2006 of 2023
C.M.P.(MD) Nos.15732 and 15733 of 2023

JhonBritto

... Appellant/Third Party

-Vs.-

1.A.G.Shankar ... 1st Respondent/Writ Petitioner

2.The District Collector,
District Collectorate Campus,
Dindigul District.

3.The District Revenue Officer,
District Collectorate Campus,
Dindigul District.

4.The Revenue Divisional Officer,
Revenue Divisional Office,
YMR Patti,
Dindigul District.

5.The Tahsildar,
Dindigul East Taluk,
Dindigul District.

6.The Assistant Director of Survey & Settlement Officer,
Office of the Assistant Director of Survey & Settlement,
Dindigul District.

... Respondents 2 to 6/

Respondents 1 to 5



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PRAYER:- Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order dated 15.02.2023 made in W.P.(MD)No.19285 of 2022 on the file of this Court.

For Appellant : Mr.I.Romeo Roy Alfred

For Respondents : Mr.V.R.Venkatesan for R1

J U D G M E N T

(Judgment of the Court was delivered by **S.M.SUBRAMANIAM, J.**)

The order dated 15.02.2023, passed in W.P.(MD)No.19285 of 2022 is under challenge in the Writ Appeal on hand.

2. The facts reveal that a title dispute exists between the appellant and the first respondent. Filing an application under the provisions of the Tamil Nadu Survey and Boundaries Act, 1923, or under the provisions of the Tamil Nadu Patta Passbook Act, 1983, would confer no title to either of the parties. The scope of the Tamil Nadu Survey and Boundaries Act, 1923, or the Tamil Nadu Patta Pass Book Act, 1983, cannot be expanded for the purpose of establishing the title nor relied upon to prove title. Thus, mere conducting a survey at the instance of any one of the party would be insufficient to form an opinion that a person



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submitted an application to survey the land is the title holder. To establish title trial nature proceedings are imminent and therefore, the parties are to be relegated to approach the competent civil Court of law for the purpose of proving their title based on the documents and evidences independently.

3. In the present case, the learned Single Judge directed the Tahsildar, East Taluk Office, Dindigul, to complete survey of the subject land within a period of five months. We would like to clarify that mere conduct of survey would confer no title either to the appellant or to the first respondent and in the event of any title dispute, even the survey authorities are empowered to relegate the parties to approach the civil Court of law.

4. Section 3 of the Tamil Nadu Patta Passbook Act, 1983, stipulates that the owner is entitled for patta and the application submitted by the owner of the immovable property is to be entertained. Therefore, it is a pre-condition that the person submitting an application should establish title over the property. In the event of any title dispute, the parties are bound to approach the civil Court of law. Only if the title



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is undisputed, the revenue authorities have to consider the application submitted for grant of patta, cancelation of patta or to mutate the revenue records, as the case may be.

5. In the present case, apparently, the title dispute exists between the appellant and the first respondent and that being so, the parties have to approach the civil Court for establishing their civil rights. However, there is no impediment for the authorities to proceed with the survey and complete the same as directed by the learned Single Judge in the impugned order.

6. With these clarifications, this Writ Appeal stands disposed of. No costs. Consequently, connected Civil Miscellaneous Petitions are closed.

[S.M.S.J.,] & [V.L.N.J.,]
22.11.2023

NCC :Yes/No
Index :Yes/No
SJ

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