



W.A(MD)No.1662 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :26.09.2023

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**

and

THE HONOURABLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.A(MD)No.1662 of 2023

and

C.M.P(MD)No.12805 of 2023

R.Natarajan

... Appellant/5th Respondent

Vs.

1.The District Revenue Officer,
Theni District.

2.The Revenue Divisional Officer,
Periyakulam,
Theni District.

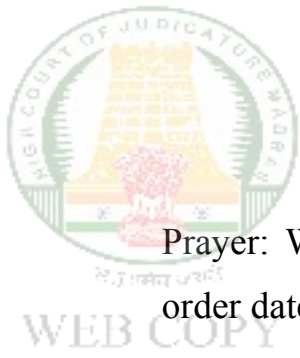
3.The Tahsildar,
Taluk Office, Andipatti,
Theni District.

4.The Executive Engineer,
Tamil Nadu Electricity Generation And
Distribution Corporation(Tangedco),
Municipal Commercial Complex,
Vaigai Road, Periyakulam,
Theni District.

... Respondents 1 to 4/Respondents 1 to 4

5.R.Karuppanan

... 5th respondent/Writ Petitioner



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Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 28.11.2022 made in W.P(MD)No.21446 of 2022.

For Appellant	:Mr.J.Senthil Kumaraiah
For R-1 to R-3	:Mr.J.Ashok, Additional Government Pleader
For R-4	:Mr.S.Deenadhayalan
For R-5	:Mr.R.Rajaraman

JUDGMENT

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

This writ appeal is directed as against the order of the learned Single Judge, dated 28.11.2022, made in W.P(MD)No.21446 of 2022.

2. The appellant is the fifth respondent in the writ petition filed by the fifth respondent in this writ appeal.

3. Brief facts that are necessary for the disposal of the writ appeal are as follows:



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(i) It is not in dispute that the property measuring an extent about

2 acres and 45 cents in Survey No.133 in Balakombai Village, Antipatti Taluk, Theni District, belonged to the father of the fifth respondent/writ petitioner by name Ramsamy Moopar. It is also admitted that there is a common Well with electricity service connection and motor pump set to the Well.

(ii) It is the case of the fifth respondent that the property belongs to himself and three brothers after the death of his father. It is also the case of the fifth respondent that there was an oral partition among the brothers by which each of them was given a specific share of land as well as the right in the Well as well as the electricity service connection with motor pump set. Though the electricity service connection stood in the name of the fifth respondent originally, the case of the fifth respondent is that the appellant, who purchased the property from his brothers had surreptitiously changed the revenue records as well as the electricity service connection. Originally, the Tahsildar concerned has issued joint patta in respect of the common Well and common channel in the name of all the co-owners including the fifth respondent. This order was challenged by the appellant before the Revenue Divisional Officer, who in turn passed an order holding that the order including the name of the fifth respondent as a Joint pattadhar is without issuing notice to the appellant and



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that, therefore, the said order is liable to be cancelled. When the fifth respondent has challenged the order of the Revenue Divisional Officer before the first respondent District Revenue Officer, the first respondent has confirmed the order of the Revenue Divisional Officer. Challenging the same, the fifth respondent has filed the writ petition.

4. It is to be noted that earlier, the appellant approached this Court in W.P(MD)No.5435 of 2020 to quash the proceedings of the Executive Engineer, dated 01.02.2020 and to direct the second respondent to disconnect the service connection in the name of the fifth respondent and to restore the service connection in S.A.No.12 in the name of the appellant in tune with the revenue records. The said writ petition was disposed of by the learned Single Judge by order, dated 17.06.2022, by directing the appellant to file a fresh representation before the Executive Engineer, TANGEDCO, by enclosing the orders passed by the Revenue Divisional Officer as well as the District Revenue Officer. A further direction was issued to the Executive Engineer to pass final orders. This order was the subject matter of challenge in W.A(MD)No.1275 of 2022. By judgment, dated 28.10.2022, the said writ appeal preferred by the fifth respondent was dismissed with an observation that the civil dispute between the parties cannot be adjudicated by the Writ Court.



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5. From the nature of order passed by this Court in the earlier writ petition and writ appeal, it is seen that the issue regarding title was not resolved and the parties were given liberty to approach civil Court to establish their rights. This Court has repeatedly held that the Tahsildar or the revenue officials while exercising the power under the provisions of the Tamil Nadu Patta Passbook Act, 1983, are not competent to decide one's title. The power to change / mutate names in the revenue records, is limited to three circumstances, namely, when there is a transfer *inter vivos*, the Tahsildar is expected to change the name from the Transferor to transferee. Secondly, on the death of a person whose name is already registered in revenue records, the Tahsildar may at the request of the legal heirs, transfer patta from the original land owners to the legal heirs. Thirdly, by way of declaration of one's title by a civil Court, the revenue officials may change patta in favour of a person, who gets declaration of title by a civil Court. Except the three circumstances indicated above, the revenue officials are not competent to decide one's right or title, while considering the right of anyone to issue patta.

6. In the said circumstances, this Court finds that the learned Single Judge while disposing of the writ petition filed by the fifth respondent has only held that the Electricity Board cannot decide the title based on the revenue



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records when there is a dispute regarding title. This Court finds no reason to interfere with the order of the learned Single Judge disposing of the writ petition with the observation that the civil Court alone is competent to decide the issue regarding title and that, the authorities should ultimately abide by the civil Court's decree, to have the name of the persons in the revenue records as land owners or to have electricity service connection in their name or to claim any right over the common Wall.

7. Having regard to the facts and circumstances of the case, this Court finds no merit in this writ appeal. Accordingly, this writ appeal is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.] [D.B.C., J.]
26.09.2023

Index : Yes / No
NCC : Yes/No
pm



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- 3.The Tahsildar,
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