



W.P.(MD) No.18087 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2023

CORAM

THE HONOURABLE Ms.JUSTICE P.T.ASHA

**W.P.(MD) No.18087 of 2020
and
W.M.P.(MD) No.15086 of 2020**

R.Vasanthi

... Petitioner

/vs./

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The District Revenue Officer,
Sivagangai District,
Sivagangai.

3.Mythili

4.Vaijayanthi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 12.11.2020 passed by the 1st respondent in Pa.Mu.B4/6174/2019, and to quash the same as illegal and arbitrary.



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For Petitioner : Mr.H.Arumugam
For R1 & R2 : Mr.T.Amjadkhan
Government Advocate
For R3 & R4 : Mrs.V.Muthu Kamatchi

ORDER

Challenging the order passed by the first respondent directing to cancel the patta issued pursuant to the orders of the second respondent, the petitioner is before this Court.

2.The order is challenged primarily on the ground that the first respondent, the District Collector, Sivagangai District had no jurisdiction to decide the issue of title and that apart, he is not the competent authority to pass orders cancelling the patta.

3.Since the first respondent is not a revisional or appellate authority under the Tamil Nadu Patta Passbook Act, 1983, the learned Government Advocate for the respondents 1 and 2 would fairly concede the legal position. Therefore, the order passed by the first respondent is without jurisdiction. Further, when there is



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serious issues with reference to title, it is only the civil Court, which is competent to consider the same and the first respondent, who lacks inherent jurisdiction, has proceeded to take on the role of a civil Court. Therefore, the impugned order suffers from an irregularity and is *ex facie* erroneous. Consequently, the Writ Petition is allowed. The impugned order dated 12.11.2020 passed by the first respondent in Pa.Mu.B4/6174/2019 is hereby quashed. It is needless to state that the parties can workout their remedy before the appropriate authority, if so required. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

05.04.2023

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To

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The District Revenue Officer,
Sivagangai District, Sivagangai.

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P.T.ASHA, J.

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