



W.P.(MD) No.5817 of 2014.

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.01.2023

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THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.5817 of 2014

A.K.Sakthivel

... Petitioner

/vs./

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Revenue Divisional Magistrate,
Tiruchendur,
Thoothukudi District.

3.The Tahsildar,
Sathankulam Taluk,
Thoothukudi District.

4.M.Perumal Nadar

5.Kanagaraj

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 3rd respondent to cancel the Patta granted to the 5th Respondent in Patta No.1630 in respect of the property in R.S



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No.1056/7, Sathankulam Village and Sathankulam Taluk and to issue Patta to the petitioner in respect of the above property by considering the petitioner's representation dated 24.10.2013.

For Petitioner : Mr.R.Balakrishnan

For R1 to R3 : Mrs.D.Farjana Ghoushia
Special Government Pleader

For R4 & R5 : No appearance

ORDER

The writ petition is seeking for a Mandamus to direct the third respondent herein to cancel the patta granted to the fifth respondent in patta No.1630 in respect of R.S.No.1056/7 at Sathankulam Village, Sathankulam Taluk and to grant patta in favour of the petitioner, based on the representation dated 24.10.2013.

2.It is an admitted fact that there is a dispute of title between the petitioner and the respondents 4 and 5. When that be so, a direction as prayed for cannot be granted, in view of Rule 4(4) of the Tamil Nadu Patta Passbook Act, 1983, which stipulates that when there is a title dispute as regards the parties, the Revenue Authorities should not grant patta and direct the parties to approach the



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appropriate civil Court. This Rule has been reiterated by the Hon'ble Apex Court in the case of *Edelweiss Asset Constructions Company Limited Vs- R.Perumalswamy and others* reported in **2021 (11 SCC) 98**.

3.In view of the aforesaid position of law, liberty is given to the petitioner to approach the appropriate civil Court seeking redressal of his grievance and thereafter approach the Revenue Authorities for grant of patta.

4.With the aforesaid observations and liberty, the Writ Petition is disposed of. However, there shall be no order as to costs.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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02.01.2023

To

1.The District Collector,
Thoothukudi District,
Thoothukudi.



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