



W.P.(MD)No.8826 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 05.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.8826 of 2014

U.Arumugam

... Petitioner

versus

1. The District Revenue Officer,
Tirunelveli.

2. The Revenue Divisional Officer/
Appellate Authority,
Cheranmahadevi,
Tirunelveli District.

3. The Thasildhar,
Nanguneri Taluk,
Tirunelveli District.

4. G.Radhakrishnan

5. S.Chandrasekaran

... Respondents

Writ Petition filed under Article 226 of Constitution of India,
seeking for the issuance of Writ of Certiorarified Mandamus, to call for
the records relating to the impugned order of the 1st respondent in



W.P.(MD)No.8826 of 2014

Ne.Mu.A2/Se.Ma.No.18/10 dated 31.05.2013 and quash the same and consequently, direct the respondents 1 to 3 to issue patta in favour of the petitioner.

For Petitioner	: Mr.H.Arumugam
For R1 to R3	: Mr.S.Shaji Bino, Special Government Pleader
For R4	: Mr.A.Parameswaran
For R5	: Mr.D.Shanmuga Rajasethupathy

ORDER

This writ petition is filed as against the order dated 31.05.2013 passed by the first respondent/the District Revenue Officer, Tirunelveli, dismissing the revision petition filed by the petitioner.

2. The petitioner has purchased the lands in Survey Nos.72/1 and 72/3 from one Krishnammal and Sivasuriyan respectively. After purchasing the said lands, he has approached the 3rd respondent/the Tahsildar, Nanguneri Taluk, Tirunelveli District, for change of patta. However, the 3rd respondent, by order dated 10.09.2008, has rejected



W.P.(MD)No.8826 of 2014

the request of the petitioner stating that as the 4th respondent has also sought for change of patta in respect of the said lands, it cannot be decided under the Patta Pass Book Rules and directed the petitioner to approach the Civil Court. However, the petitioner, instead of approaching the Civil Court, preferred an appeal before the second respondent/the Revenue Divisional Officer, Cheranmahadevi. The second respondent, by order dated 17.04.2010, partly allowed the appeal and also ordered for a joint patta in the name of the petitioner and the 5th respondent, in respect of S.No.72/3. The petitioner again filed a revision petition before the first respondent/the District Revenue Officer, Tirunelveli, which was also dismissed by order dated 31.05.2013. Challenging the same, the present writ petition has been filed.

3. 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



W.P.(MD)No.8826 of 2014

fairness, the Revenue Authorities ought to have directed the parties to approach the concerned Civil Court.

4. Further, this Court, under Article 226 of the Constitution of India, cannot go into the issue regarding title of property and cannot pass any further order as to whether the petitioner is having right to hold joint patta or not. Therefore, the petitioner shall workout his remedy before the concerned Civil Court by filing a separate suit for declaration of title.

5. Accordingly, this writ petition is disposed of by granting liberty to the petitioner to work out his remedy before the concerned Civil Court by filing a separate suit for declaration of title. No costs.

05.04.2023

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



W.P.(MD)No.8826 of 2014

WEB COPY

To

1. The District Revenue Officer,
Tirunelveli.
2. The Revenue Divisional Officer/
Appellate Authority,
Cheranmahadevi,
Tirunelveli District.
3. The Thasildhar,
Nanguneri Taluk,
Tirunelveli District.



WEB COPY



W.P.(MD)No.8826 of 2014

B.PUGALENDHI, J.

ogy

W.P.(MD)No.8826 of 2014

05.04.2023