



W.A.No.3009 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2024

CORAM

THE HON'BLE Mr. JUSTICE S.S.SUNDAR  
AND  
THE HON'BLE Ms. JUSTICE R.N.MANJULA

W.A.No.3009 of 2024

1.Girija  
2.Shobana

.. Appellants

Vs.

1.The District Collector  
Chengalpattu District

2.The Zonal Deputy Tahsildar  
Madurantakam  
Chengalpattu District

3.The Village Administrative Officer  
Kallapiranpuram Village  
Madurantakam Taluk  
Chengalpattu District

.. Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 03.06.2024 passed by the learned Single Judge in W.P.No.12170 of 2024.

For Appellants : Mr.S.Jaganathan

For Respondents : Mr.P.Sathish  
Additional Government Pleader



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## **J U D G M E N T**

(Delivered by S.S.SUNDAR, J.)

This writ appeal is directed against the order of the learned Single Judge dated 03.06.2024 dismissing the writ petition filed by the appellants for issuance of a writ of mandamus for a direction to the 2<sup>nd</sup> and 3<sup>rd</sup> respondents to consider their patta application dated 16.02.2024 submitted *vide* e-seva application No.2024/0103/35/358755.

2. The brief facts of the case are as under :

The appellants state that they are the joint owners of undivided half-share towards the entire land to an extent of 70 cents in survey No.53/3B1A and the land measuring 40 cents in survey No.66/3B1, which they inherited by way of a settlement deed dated 21.03.2018. It is also their case that the entire property was jointly settled in favour of their grandfather and the brother of their grandfather. It appears that both the brothers have settled the property in favour of their respective granddaughters *vide* different documents. Though mutation was effected in favour of the settlees, patta was not mutated in favour of the appellants. Therefore, the appellants filed W.P.No.12170 of 2024 to consider their representation for grant of patta. The said writ petition was



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dismissed by the learned Single Judge, merely by recording the fact that a civil suit is pending between the parties, challenging which, this writ appeal has been preferred.

3. Heard both sides and perused the materials available on record.

4. It is seen that no individual was impleaded as respondent in the writ petition. It is to be noted that the revenue officials are not supposed to decide the question of title. In this case, the suit referred to in the order of the learned Single Judge is one filed by one K.Balu. It appears that the appellants are defendants 2 and 3 in the said suit and their mother is the 1<sup>st</sup> defendant. It is the case of the plaintiff viz., K.Balu that he is in possession and enjoyment of the suit property. It is further stated that the suit property is an ancestral property of the plaintiff.

5. It is now stated by the learned counsel for the appellants that the said K.Balu is the son of one Krishnan. The suit filed by K.Balu is for bare injunction in respect of the entire property. It is his case that the property was originally possessed by K.Balu's grandmother. Merely because a suit is pending, the appellants representation for grant of patta, cannot be rejected.



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There must be some semblance of title traceable to revenue records in favour of a person who challenge the patta being granted.

6. In view of the foregoing reasons, this Court is unable to sustain the order of the learned Single Judge dismissing the writ petition and this writ appeal is allowed and the respondents are directed to consider the representation of the appellants, strictly in accordance with the provisions of Patta Passbook Act, 1983, by taking note of Section 10 of the Patta Passbook Act. No costs.

[S.S.S.R.,J.] [R.N.M., J.]  
06.11.2024

Internet : Yes  
Neutral Citation : Yes/No  
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To

1.The District Collector  
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