



W.A(MD)No.277 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.02.2024

CORAM:

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE P.DHANABAL**

**W.A(MD)No.277 of 2024
and
CMP(MD)No.2688 of 2024**

1. Rajasekar
2. Premkumar

... Appellants

-vs-

1. S.Pasumpon Selvakumar
2. The District Revenue Officer,
Tenkasi, Tenkasi District.
3. The Revenue Divisional Officer,
Sankarankovil, Tenkasi District.
4. The Thasildar,
Sivagiri Taluk,
Tenkasi District.

... Respondents

PRAYER: Appeal filed under Clause 15 of Letters patent, against the order dated 21.09.2023 made in WP(MD)No.22060 of 2023 on the file of this Court.

For Appellants	: Mr.H.Lakshmi Shankar
For R1	: Mr.R.J.Karthick
For R2 to R4	: Mr.N.Satheesh Kumar
	Additional Government Pleader



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J U D G M E N T

[Judgment of the Court was made by The Hon'ble CHIEF JUSTICE]

We have heard Mr.H.Lakshmi Shankar, learned counsel appearing for the appellant, Mr.R.J.Karthick, learned counsel appearing for the respondent No.1 and Mr.N.Satheesh Kumar, learned Additional Government Pleader appearing for the respondents 2 to 4.

2. The respondent No.1/writ petitioner had filed writ petition challenging the order passed by the District Revenue Officer confirming the order passed by the Revenue Divisional Officer refusing to cancel the patta issued in favour of the appellants herein. The learned Single Judge did not set aside the order of the Revenue Divisional Officer, however, directed the District Collector to conduct an enquiry with regard to the allegations made on either side and take a decision within a period of six weeks.

3. Learned Advocate for the respondent No.1/writ petitioner submits that there were also allegations regarding the mining activity and the District Collector is competent to look into the complaints regarding the mining activity taking place on the patta lands which patta was in dispute.



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4. The order under challenge before the learned Single Judge was of the District Revenue Officer confirming the order of the Revenue Divisional Officer wherein, the application of the writ petitioner to cancel the patta is negatived. The learned Single Judge in the order discussed about the sale deeds executed by the parties and about the grievance of the writ petitioner having right in the subject property. It is upon the said discussion, the learned Single Judge directed the District Collector to consider the rival submissions, conduct an enquiry and take a decision within a period of six weeks.

5. It is not disputed that the District Collector is not the appellate or revisional authority of the Revenue Divisional Officer under the Tamil Nadu Patta Passbook Act, 1983, that is the Act, under which, the patta is issued, as such, the enquiry by the District Collector with regard to the grant of patta would carry no meaning.

6. Learned Advocate for the respondent No.1/writ petitioner submits that even the complaints with regard to mining activities are pending before the District Collector. The writ petitioner is not concerned with the complaints with regard to mining but with regard to issuance of patta. If there are



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complaints pending with the District Collector with regard to the mining activities, to that extent, the District Collector may enquire upon the objections of the complaints filed by the persons, however, the Collector would not have any authority to enquire into the grant of patta. The order of the learned Single Judge directing the District Collector to make an enquiry with regard to the grant of patta is quashed and set aside.

7. In case with regard to the activity of mining, if some objection is raised, it is for the competent authority to take a decision in accordance with law.

8. The Writ Appeal is accordingly disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[S.V.G., C.J.]

[P.D.B., J.]

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Index : Yes / No
Neutral Citation : Yes / No
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