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W.A(MD)No.1559 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A(MD)No.1559 of 2024
and
C.M.P.(MD)No.12241 of 2024**

—
K. Alagarsamy

... Appellant / Writ Petitioner

-VS-

1.Additional Collector-Cum-
District Additional Magistrate,
Thoothukudi-Thoothukudi District.

2.The Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.

3.The Tahsildar,
Vilathikulam,
Thoothukudi district.

4.Thilagaveni

... Respondents / Respondents

PRAYER: Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 22.06.2020 passed in W.P.(MD)No.6927 of 2020.

For Appellant : Mr.M.R. Sreenivasan



W.A(MD)No.1559 of 2020

For R-1 to R-3 : Mr.P.T. Thiraviam,
Government Advocate

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JUDGMENT

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

The proceedings under the Patta Passbook Act, 1983, were made subject matter of the writ petition. Challenge in the writ petition was to the order of the Additional Collector – Cum – District Magistrate, Tuticorin, dated 11.02.2020, wherein the revision petition filed by the appellant was rejected, referring him to the Civil Court. The Writ Court dismissed the challenge on the premise that disputed questions of title cannot be gone into by the revenue authorities or by this Court under Article 226 of the Constitution of India. The Writ Court had also referred to the settled proposition of law on this aspect. Mr.M.R.Srinivasan the learned counsel appearing for the appellant would vehemently contend that only when there is a semblance of title in the rival claimants, the appellant could be forced to go to the Civil Court.

2. A perusal of the order of the Additional Collector reveals that there are certain discrepancies in the survey numbers and the authority felt that there is a genuine issue regarding title to the property in question. In view of the said conclusion, if we are to go into the factual position, we will be entering upon the arena of title and deciding a dispute regarding title.

3. We do not think, we can do that in exercise of our jurisdiction under Article 226 of the Constitution of India. Hence, the appeal is dismissed. We make



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it clear if the appellant approaches the Civil Court, the Civil Court will decide the issue independently without being influenced by any of the observations made by the authorities in the proceedings under the Patta Passbook Act, 1983. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.] [L.V.G., J.]

13.09.2024

NCC :Yes/No
Index :Yes/No
Internet: Yes
Sml

To

- 1.Additional Collector-Cum-District Additional Magistrate,
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