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W.P.(MD) No.9506 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P.(MD) No.9506 of 2025

V.Muthu Irulandi

... Petitioner

-vs-

The Tahsildar
Kariapatti Taluk
Kariapatti
Virudhunagar District

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondent herein to rectify the mistake in Patta No.1057, Kariapatti Taluk, by considering the petitioner's representation dated 07.01.2025.

For Petitioner : Mr.D.Sivaraman

For Respondent : Mr.S.P.Maharajan
Special Government Pleader

Page 1 of 6



WEB COPY



W.P.(MD) No.9506 of 2025

ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

The writ on hand has been instituted seeking a direction to the respondent to rectify the mistake in Patta No.1057, Kariapatti Taluk, by considering the petitioner's representation dated 07.01.2025.

2. Learned counsel for the petitioner would submit that the land comprised in R.S.No.75/16 of Alagianallur Village, to an extent of 90 Cents, was originally belonged to one Alagu Thevar. The petitioner's father S.Vellaichamy @ Veerapathira Thevar purchased 05 Cents of land on the south east portion of the above larger extent of 90 Cents of land, under a sale deed dated 24.03.1968 and registered as document No.604 of 1968 and ever since the date of purchase, the petitioner's father was in possession and enjoyment of the 05 Cents of land. Thereafter, the said 05 Cents of land was sub-divided and R.S.No.75/2016 A3 was assigned. The petitioner's father executed a gift settlement in the name of the petitioner in respect of 2.98 Cents out of the said 05 Cents of land under a Settlement Deed dated 09.05.1997 and registered as document No.1136 of 1997. In such circumstances, the petitioner submitted an application to the respondent –



W.P.(MD) No.9506 of 2025

WEB COPY

Tahsildar seeking rectification of mistake occurred in Patta No.1057. The Tahsildar had not responded to the said application, which has resulted in filing of the present writ petition.

3. Learned counsel for the petitioner relied on the documents and sketch produced before this Court, which all are disputed by the respondent. Such disputed civil facts cannot be adjudicated either by the Tahsildar or by the Writ Court under Article 226 of the Constitution of India. In the event of giving any findings merely based on the sketch or the documents produced by the parties, it will result in miscarriage of justice. Therefore, the parties have to adjudicate the disputes of civil in nature before the competent civil court based on the original documents and evidence, including oral enquiry. Such an exercise cannot be undertaken by the Writ Court. A thorough adjudication of the facts is required in respect of the property matters and therefore, the High Court is expected to restrain from entertaining the writ petitions, where the adjudication relating to civil disputes are raised. It is not as if the High Court can verify the xerox copies of the documents and determine the civil disputes between the parties.



W.P.(MD) No.9506 of 2025

WEB COPY

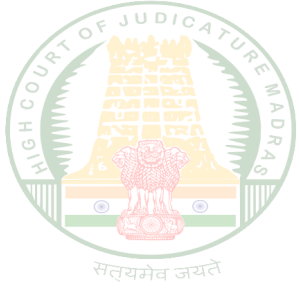
4. Section 3 of the Patta Pass Book Act, 1983, also stipulates that the owner of the land is entitled to submit an application seeking patta. In the event of any dispute or doubt or otherwise, the matter is to be relegated to the competent civil court for the purpose of effective adjudication of the disputed facts between the parties.

5. In the present case, the revenue authorities cannot conduct a roving enquiry with reference to the ownership or title over the property. Therefore, the petitioner has to approach the competent civil court for the purpose of establishing his rights, if any exist, based on the original documents or evidence available with him. Thus, under the guise of rectification of mistake, this writ petition cannot be entertained.

6. With the above observation, this writ petition is dismissed. No costs.

[S.M.S., J.] [A.D.M.C., J.]
16.06.2025
(1/2)

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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W.P.(MD) No.9506 of 2025

WEB COPY

To:
The Tahsildar,
Kariapatti Taluk,
Kariapatti,
Virudhunagar District.



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W.P.(MD) No.9506 of 2025

S.M.SUBRAMANIAM, J.
and
DR.A.D.MARIA CLETE, J.

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W.P.(MD) No.9506 of 2025

16.06.2025

(1/2)

Page 6 of 6