(2012) 10 MAD CK 0158

In the Madras High Court

Case No : Writ Petition (MD) No. 7772 of 2010 and M.P. (MD) No, 2 of 2010

R. Pandian APPELLANT

Vs

District Revenue Officer, Tiruchirapalli and Others RESPONDENT

Date of Decision : 08-10-2012

Acts Referred:

Tamil Nadu Patta Pass Book Act, 1983 — Section 1(3), 10, 11, 12, 22

Citation : (2012) 8 MLJ 168

Hon'ble Judges : S. Manikumar, J

Bench : Single Bench

Advocate : G.R. Swaminathan, for the Appellant; S. Kumar, Additional Government Pleader and K. Soundarajan for V. Illanchezian, for the Respondent

Judgement

S. Manikumar, J.—Challenge in this petition is to the order dated 21.2.2009, passed by the Revenue Divisional Officer, Lalgudi, Trichy District, the second respondent and confirmed by order dated 9.11.2009, passed by the District Revenue Officer, Tiruchirapalli, the first respondent, directing cancellation of patta issued in the name of Bangaru Ammal and further direction issued to the Tahsildar, Manachanallur Taluk, Trichy District to carry out necessary changes in the village records. It is the case of the petitioner that the property comprised in S. No. 189/6C, in Sirugannor Village, Manachanallur Taluk, Trichy District measuring an extent of 1 acre 56 cents and another item of property comprised in S. No. 467/1 in the same village measuring an extent of 1 acre 64 cents originally belonged to one Ramasamy Reddiar and Lakshmana Reddiar. They are brothers. After the demise of Ramasamy Reddiar, the property stood in the name of Lakshmana Reddiar. Ramasamy Reddiar died leaving behind his wife Seetha Ammal and daughter Bangaru Ammal, as his legal heirs. Lakshmana Reddiar died leaving behind his wife Rukmani Ammal as his legal heir. According to the petitioner, Lakshmana Reddiar and Rukmani Ammal did not have any issues. But, it was claimed that they had a son by name Ranganathan, whose whereabouts were not known, for the last 30 years. Seetha Ammal, wife of Ramasamy Reddiar and Rukmani Ammal, wife of Lakshmana Reddiar are no more. In these circumstances, the said two items of property and other items of property belonging to the said family, devolved upon Bangaru Ammal. In the above circumstances, patta of the property comprised in S. No. 189/6C and S. No. 467/1 and other properties were transferred in the name of Bangaru Ammal, daughter of Ramasamy Reddiar. She executed a power of attorney in favour of one Anbu Selvan and Nallusamy and entered into a sale transaction with the petitioner. The property comprised in S. No. 467/1 was purchased by the petitioner on 22.1.2007 and registered, as document No. 245 of 2007 on the file of Sub Registrar, Chettikulam. After the sale transaction was over, the petitioner applied to the Tahsildar and got the mutations effected in his name. Since, the date of sale, the petitioner has been in possession and enjoyment of the property.

2. While that be so, after more than two years Mr. K.P. Natarajan, the 4th respondent herein has submitted an application dated 26.8.2008, to the District Collector, Tiruchirapalli claiming that the said lands belonged to him and sought for cancellation of mutation effected in favour of the petitioner. The application seeking cancellation of mutation has been forwarded to the Revenue Divisional Officer, Lalgudi, Trichy District. At this juncture, when the 4th respondent attempted to disturb the possession and enjoyment of the property by the petitioner, and therefore, he was constrained to prefer O.S. No. 301 of 2008 on the file of learned District Munsif, Lalgudi, seeking for a relief of permanent injunction. The suit was filed in September, 2008. During the pendency of the above dispute between the parties, petitioner received a summons dated 8.11.2008, from the Revenue Divisional Officer, Lalgudi, Trichy District, the second respondent, calling upon for an enquiry on 17.11.2008. In response to the same, petitioner sent a reply stating that since civil Court has seized of the matter, the second respondent need not proceed with the enquiry. It is the case of the petitioner that without passing any orders on the said petition, to defer further proceedings, the Revenue Divisional Officer, Lalkudi, Trichy District, the second respondent, has passed an order dated 21.2.2009, allowing the appeal preferred by the 4th respondent. Thereafter, petitioner has filed a writ petition Nos. 4321 and 4615 of 2009 before this Court. By order dated 11.6.2009, this Court directed the District Revenue Officer, Tiruchirapalli District, first respondent to number the appeal and pass orders. Ultimately, by order dated 9.11.2009, the first respondent has rejected the appeal.

3. On the above pleadings, and inviting the attention of this Court, the provisions under the Tamil Nadu Patta Pass Book-Act, 1983, Mr. G.R. Swaminathan, learned counsel appearing for the petitioner made the following submissions:

(a) According to him, after the demise of both Lakshmana Reddiar and Ramasamy Reddiar, the properties devolved upon Bangaru Ammal, daughter of, Ramasamy Reddiar. Thereafter, through a power of attorney, the petitioner has purchased the property comprised in S. No. 189/6C in Sirugannor Village, Manachanallur Taluk, Trichy District, which was duly registered on the file of the Sub Registrar, Chettikulam. Learned counsel further submitted that after the death of the above said brothers, Patta has been transferred in favour of Bangaru Ammal. In such circumstances, if the patta which stood in the name of Bangaru Ammal, has to be cancelled, she ought to have been made a necessary and proper party to the proceedings initiated by the Revenue Divisional Officer, Lalkudi, Trichy District.

(b) Learned counsel for the petitioner further submitted that the fourth respondent, cannot be said to be an aggrieved person relating to mutation of revenue records, made in favour of Bangaru ammal and thereafter, made in favour of the petitioner, pursuant to a valid sale made on 22.1.2007. Hence, he submitted that the fourth respondent has no locus-standi to challenge the mutation effected by the Tahsildar, Manachanallur.

(c) Learned counsel for the petitioner further submitted that if any person is aggrieved by an order made by the Tahsildar under Tamil Nadu Patta Pass-Book Act, 1983 effecting mutation, the same can be challenged only by way of appeal, u/s 12 of the said Act and that, acting on mere objection or representation and thereafter, holding an enquiry for cancellation and passing any orders, on such petition or representation, is not in consonance with the provisions of the statute and in such circumstances, there is a procedural irregularity.

(d) Referring to Section 6 of the Tamil Nadu Patta Pass-Book Act, 1983 and Rule 4(4) of the Tamil Nadu Patta Pass-Book Rules, 1987, learned counsel for the petitioner submitted that when patta has been issued as a prima facie evidence of title of a person and when the Civil Suit in O.S. No. 301 of 2008 pending on the file of learned District Munsif, Lalgudi, for a permanent injunction has been brought to the notice of the Revenue Divisional Officer, Lalgudi, Trichy District, the second respondent, the said authority ought not have interfered with the earlier orders, effecting change of Patta, which stood in the name of Bangaru Ammal and on the contrary he should have directed the concerned parties to obtain a decree of ownership from a competent civil Court, having jurisdiction to change the mutation in the revenue records. In this context, he submitted that the second respondent has committed a jurisdictional error in going to the disputed question of facts, when the civil Court has already seized of the matter.

(e) Inviting the attention of this Court to the reasons assigned in the impugned orders that there were no records available in the office of the Tahsildar, Manachanallur Taluk, Trichy District with regard to change of patta in the name of Bangaru Ammal and that therefore, appropriate orders have not been passed by the Revenue Authorities, while effecting mutation, does not satisfy the legal basis for accepting the contention of the fourth respondent. Such a conclusion on the basis of unavailability of records is ill-logical.

4. Though the official respondents 1 to 3 have not filed any counter affidavit, inviting the attention of this Court, to the contents of the sale deed dated 22.1.2007, said to have been executed by the power of Attorney of Bangaru Ammal to writ petitioner and the impugned orders, Mr. K. Kumar, learned

Additional Government Pleader submitted that copies have not been enclosed in the typed set of papers to support the contention that there was a sale of property in respect of property in S. No. 189/6C, in Sirugannor Village, Manachanallur Taluk, Trichy District. He further submitted that even assuming that there was a sale effected to the purchaser, the said Bangaru Ammal had no salable right in respect of property in S. No. 189/6C, as legal heir of Ramasamy Reddiar, she cannot acquire any title or right or interest over the property. According to him, the property in S. No. 189/6C, would devolve upon only the legal heirs of Lakshmana Reddiar.

5. Learned counsel for the State further submitted that after verifying the documents, it was found that the mutation effected in favour of Bangaru Ammal daughter of Ramasamy Reddiar had been done without any basis and that therefore, rectification has been done setting aside the order of mutation effected, in favour of Bangaru Ammal. For the above states reasons, he submitted that there is no manifest illegality in the impugned order.

6. Mr. Soundarajan, learned counsel for the fourth respondent submitted that the property comprised in S. No. 189/6C, in Sirugannor Village, Manachanallur Taluk, Trichy District, measuring an extent of 1 Acre 56 cents and another property comprised in S. No. 467/1 in the same village, measuring an extent of 1 Acre 64 cents belonged to Lakshmana Reddiar. He had a brother by name Ramasamy Reddiar. Lakshmana Reddiar and Rukmaniammal are husband and wife. Lakshmana Reddiar died, leaving behind his wife Rukmaniammal and a son viz., Ranganathan. Whereabouts of Renganathan, Son of Lakshmana Reddiar was not known. Since Renganathan was not traceable, Rukmani Ammal was the legal heir to succeed to the estate of Lakshmana Reddiar. She executed a Will in favour of the fourth respondent on 26.1.1995. She died on 13.6.1995 and thereafter, the Will came into force. According to learned counsel, as per the Will, the fourth respondent has become absolute owner of the property including the property in S. Nos. 189/6C and 467/1. In the above circumstances, Patta and other documents stood in the name of Rukmani Ammal till her demise.

7. Learned counsel for the fourth respondent further submitted that Ramasamy Reddiar, brother of Lakshmana Reddiar also died, leaving behind his wife Seetha Ammal, and daughter Bangaru Ammal, as his legal heirs. Bangaru Ammal was married to one Srinivasan and they got a son namely Manimaran. Seetha Ammal and Bangaru Ammal have executed a deed of relinquishment dated 11.7.1987, relinquishing all the rights in the properties of Lakshmana Reddiar in favour of Rukmani Ammal and that she has been cultivating the lands and paying kist.

8. Learned counsel for the fourth respondent also submitted that somehow or other Bangaru Ammal was able to change the patta, in her name, without any proper enquiry or documents. After effecting change in the patta, Bangaru Ammal and his son Manimaran seemed to have executed a power of attorney in favour of one Anbuselvan and Nallusamy and that they have sold the property in favour of the petitioner, without any right or title to the property. In these

circumstances, the fourth respondent made an application before the Revenue Divisional Officer, Lalgudi, Trichy District, the second respondent.

9. According to the learned counsel for the fourth respondent, after due enquiry with the records, it was found that mutation of patta done in favour of Bangaru Ammal, has been made, without any proper enquiry or records and hence, the Revenue Divisional Officer, the second respondent, has rightly cancelled the patta.

10. Learned counsel for the fourth respondent further submitted that on appeal the District Revenue Officer, Tiruchirappalli, the first respondent has also confirmed the said order. He also submitted that pendency of the suit, would not preclude the revenue authorities from making an enquiry into the aspects relating to mutation of patta. According to him, if mutation of revenue records had been made without any basis, the revenue authorities can always set right the same.

11. He further submitted that as the fourth respondent is the absolute owner of the property, by virtue of the will dated 26.1.1995, he has every right to make a representation or submit a petition to the revenue authorities, to effect proper changes in the records. He therefore, submitted that the contention of the petitioner regarding locus-standi has to be rejected. As the petitioner was at liberty to place the records and since he had failed to do so, excepting sending representation to defer the proceedings, the Revenue Divisional Officer has rightly proceeded with the enquiry and in the above said circumstances, the Writ Petition has to be dismissed.

12. Heard the learned counsel for the parties and perused the material on record.

13. Before adverting into the rival submissions, this Court deems it fit to have a cursory look at certain provisions of Tamil Nadu Pass-Book Act. Section 3 deals with issue of Patta Pass-Book. As per Section 4 of the Act, entries in the patta pass-book and the certified copy of entries in the patta pass-book shall be presumed to be true and correct, until the contrary is proved or a new entry is lawfully substituted therefore. As per Section 6 of the Act, the entries in the patta pass-book issued by the Tahsildar u/s 3 shall be prima facie evidence of title of the person, in whose name the patta pass-book has been issued to the parcels of land entered into patta pass-book, free of any prior encumbrance, unless otherwise specified therein. Section 10 deals with modification of entries in the patta pass-book.

14. Section 11 of the Act states that any person whose rights or interests are required to be, or have been entered in any patta pass-book under this Act shall be bound, on the requisition of the Tahsildar engaged in preparing or modifying the entries in the patta pass-book, to furnish or produce for his inspection within such time as may be specified in such requisition, or within such further time as the Tahsildar may, in his discretion allow, all such information or documents needed for the correct preparation or revision thereof as may be within his knowledge or in his possession or power.

15. Rules have been framed in exercise of the powers conferred by sub-section (1) of Section 22 of the Tamil Nadu Patta Pass-Book Act, 1983 in G.O. Ms. No. 1083, Revenue, dated 10.7.1987. The Rules are called the Tamil Nadu Patta Pass-Book Rules, 1987. Rules 3 and 4 would be relevant for the purpose of adjudication of this lis and that they are extracted hereunder:

3. Publication of notice that the patta pass-book is to be issued by the Tahsildar.-

(1) The Tahsildar of the area concerned shall publish a notice in Form-I in each village comprised in the said area, within fifteen days from the date of publication of the notification u/s 1(3) in the said area, informing the public that a Patta Pass-Book is to be issued under the Act to every owner in respect of land owned by him. The notice shall be published in the District Gazette and by beat of tom-tom in every village. A copy of the said notice shall be displayed in the Notice Board of the Panchayat Office, the village chavadi, if there be one for the village, and also at the offices of the Firka Revenue Inspectors, the Taluk Office and Revenue Divisional Office of the area and Sub-Registrar Offices having jurisdiction over the said area. A copy of the notice shall also be sent to all branches of every credit agency in the area and every credit agency in the nearest notified centre.

(2) The application made u/s 3(1) shall be in Form-II and submitted within a period of thirty days from the date specified in the notice u/s 3(3) of the Act. It shall be delivered at the Taluk Office of the area concerned by the applicant and on delivery, the Tahsildar shall issue to the applicant an acknowledgement which specifies the date of receipt of the application.

(3) The application shall be signed by the owner of the land.

4. Procedure on receipt of application or information.-

(1) On receipt of the application or information the Tahsildar shall make an entry in the "Register of Application Received" in the order of receipt on Form-III. The Register shall be maintained village-wise.

(2) On the basis of the information furnished in the application and as available in the existing land records or obtained otherwise, the Tahsildar shall cause to be served or despatched, under certificate of posting, to the persons having interest on the land a notice in Form-IV calling upon them to make representation either orally or in writing at a specific place on a specified date which shall be not less than fifteen days and forty days later than the date of receipt of the application or information.

(3) On the prescribed date, the Tahsildar, shall conduct a summary enquiry. At the enquiry, on consideration of age, literacy and occupation, the Tahsildar may permit an authorised agent of the owner to appear on his behalf to supplement whatever the owner has to state orally or in writing. No legal practitioner in his professional capacity shall be allowed to represent any party at such as enquiry. There shall not be adjournment of the enquiry not more than twice and that

adjournment shall be granted only on application made by the parties requesting for adjournment. Reasons for granting or refusing the adjournment shall be recorded by the Tahsildar in writing.

(4) In the event of the Tahsildar being satisfied that a dispute concerning ownership of patta is already pending in a Court or issues are raised before him which impinge on personal laws or laws of succession and all the parties interested do not agree on the ownership in writing, he shall direct the concerned parties to obtain a ruling on ownership from a competent Civil Court having jurisdiction before changing the entries as already recorded and existing in the various revenue records.

(5) The Tahsildar shall first obtain declaration in Form-V from the owner who has not made any application for Patta Pass-Book and then he shall issue Patta Pass-Book in accordance with the provisions of the Act.

(6) (i) The Tahsildar shall pass an order within fifteen days of completion of such enquiry and the written order shall be communicated to the parties concerned under certificate of posting or served on them in person. A copy of the same shall be sent to the office of the Sub-Registrar in the area.

(ii) The Tahsildar while passing orders shall see that in the cases of land assigned to Scheduled Castes/Scheduled Tribes, under conditional assignment, the conditions under which they are granted are not violated and transfers to non-Scheduled Castes and Scheduled Tribes are not recognised. The Tahsildar shall record in the Register of Patta Pass-Book, Chitta and Patta Pass-Book in red ink, the condition that the land is non-alienable to a person other than Scheduled Caste/Scheduled Tribes, as the case may be.

(iii) When breach of conditions, if any, are noted in the case of lands assigned conditionally, the Tahsildar shall report to Revenue Divisional Officer for further follow up action for the resumption of such land or lands under the provisions in Revenue Standing Order.

(7) The person who acquires by succession, survivorship, inheritance, partition, purchase, or otherwise or by decree or order of a Court or by order of the Government or other authority any right in or over any land as owner shall send a report in writing to the Tahsildar with details of such acquisition of rights. On receipt of such report the Tahsildar shall make an enquiry in accordance with the procedure set out in these rules for the purpose of modification of entries in the Patta Pass-Book already issued or for the purpose of issuing new Patta Pass-Book. Within fifteen days of completion of the said enquiry the Tahsildar shall make arrangement so far issuing orders for modification of entries in the Patta Pass-Book or for effecting sub-divisions if necessary, on collection of sub-division fee of Rs. 3 (Rupees three only) by way of Court fee labels and to make necessary entries in the Patta Pass-book or for issue of a new Patta Pass-Book or otherwise, as the case may be. The aforesaid order shall be communicated to the parties concerned under certificate of posting or by service in person. A copy of

the said order shall be communicated to the office of the Sub-Registrar exercising jurisdiction over the land concerned.

16. Reading of the statutory provisions stated supra, makes it clear that no sooner, the Tahsildar receives an application u/s 3 of the Act for issue of Patta Pass-Book to a owner, in respect of land owned by him, he must serve a notice under sub-section 1 of the Act in the area informing the public that Patta Pass-Book has to be issued and that the said notice should contain the particulars of the land. He should call upon the owner of the land to furnish any information or produce any document for his inspection. A owner on whom a notice has been given under sub-section 5 shall be open to furnish or produce any document for his inspection, within such time as may be specified in such notice or within such further time not exceeding thirty days as the Tahsildar may, in his discretion, allow such information or documents, needed for making necessary entries in the Register of Patta Pass-Book in respect of the land concerned or for the purpose of issuing the patta pass-book, as may be within his knowledge or in his possession or power.

17. As per sub-section 7 of Section 3, if an application under sub-section (1) or on the basis of information obtained by the Tahsildar under clause (b) of sub-section (6), the Tahsildar shall follow such procedure, as prescribed and shall also give a reasonable opportunity to the persons having interest in the land to make their representations either orally or in writing. After considering the claims of the persons having interest in the land, the Tahsildar shall determine as to whom the book has to be issued and shall issue a patta pass-book, accordingly to the owner of the land concerned. Provided that, in case, where the Tahsildar is satisfied that any person is not the owner of any land for which a patta pass-book is applied for or claimed, he shall for reasons to be recorded in writing reject the application or claim, for the issue of a patta pass-book in respect of such land.

18. Reading of Sections 4 and 5 of the Act stated supra raises only a presumption that the entries in the patta pass-book are true and correct, until the contrary is proved or a new entry is lawfully substituted.

19. As per Section 10 of the Act, any person seeking for modification in respect of any entry in the patta pass-book, already issued u/s 3, either by reason of death of any person or by reason of transfer of interest in the land or any other subsequent change in circumstances, then, he shall make an application to the Tahsildar, for the modification of the relevant entries in the patta pass-book. An application under sub-section (1) shall contain such particulars, as may be prescribed and shall be accompanied by documents, if any, relied on by the applicant, as evidence in support of his claim.

20. Reading of Section 11 makes it clear that a person whose right or interest are required to be, or have been entered in any patta pass-book, can make a request to the Tahsildar for information for modification of the entries and he

shall furnish the same.

21. On the facts and circumstances of the case, it could be deduced that as per the revenue records, property in S. No. 189/6C, in Sirugannor Village, Manachanallur Taluk, Trichy District belonged to Mr. Lakshmana Reddiar. As stated supra, Lakshmana Reddiar and Ramasamy Reddiar are brothers. Lakshmana Reddiar died leaving behind his wife Rukmani ammal and son Renganathan. As the whereabouts of Mr. Renganathan were not known for many years, Rukmani Ammal, wife of, Lakshmana Chettiar is stated to have executed a will dated 26.1.1995, in favour of the fourth respondent. Bangaru Ammal daughter of Ramasamy Reddiar viz., the brother of Lakshmana Reddiar, claiming herself to have acquired title, has executed a power of attorney for herself and her son Manimaran and thereby, effected sale in favour of the petitioner. On the contrary, it is the contention of the fourth respondent that Seetha Ammal, wife of Ramasamy Reddiar and Bangaru Ammal have executed a deed of relinquishment, relinquishing all the rights in the properties of Lakshmana Reddiar in favour of Rukmani Ammal.

22. According to the revenue authorities, and the contesting fourth respondent, the property in S. No. 189/6C in Sirugannor Village, Manachanallur Taluk, Trichy District stood in the name of Lakhsmana Reddiar. His legal heirs to succeed to the above said property, as per line of succession are Rukmani Ammal and Renganathan. According to the fourth respondent, Rukmani Ammal executed a Will in his favour on 26.1.1995. The power of attorney stated to have been executed on 5.1.2007 by Bangaru Ammal and her son Manimaran to and in favour of Anbu Selvan and Nallusamy in document No. 55 of 2007 is much later than the Will.

23. As rightly contended by the learned counsel for the fourth respondent, when an application for cancellation or modification of the revenue records was made by the fourth respondent, the authorities have verified in the Taluk Office, to ascertain as to whether there were any basic records, while effecting mutation in favour of Bangaru Ammal and on verification found that no records were available and that mutation has been effected in the name of Bangaru Ammal, without any orders of Court. As per the revenue records, they have also found that the property in S. No. 189/6C, measuring 1 Acre 56 cents, stood in the name of Lakshmana Reddiar and after his demise, it should devolve upon Rukmani Ammal and her son. The revenue authorities have also found that in respect of the above property, no legal heir certificate has been obtained and that there were no Court orders. The averments in the supporting affidavit do not disclose that a proper enquiry has been conducted, as contemplated in Rules 3 and 4 of the Tamil Nadu Patta Pass-Book Rules.

24. As rightly contended by the learned counsel for the 4th respondent that when there is a will executed in his favour by Rukmani Ammal, the surviving heir of the Lakshmana Reddiar as early as in 1995 in respect of the property comprised in S. No. 189/6C, it cannot be contended that the fourth respondent

has no right or interest over the property and that therefore, he is not an aggrieved person to make any representation or submit a petition for cancellation of patta, which has been issued in the name of Banagarammal. Statutory provisions do not make any restriction in making any representation or petition or bringing it to the notice of revenue authorities any irregularity or illegality in effecting mutation.

25. The 4th respondent had not been put on notice, when patta has been granted in favour of Bangaru Ammal. Had he been given an opportunity to make a representation or petition regarding the change of patta in favour of Bangaru Ammal, by following the procedure as contemplated under Rules 3 and 4 of the Tamil Nadu Patta Pass-Book Rules, he would have made his objections and if any order adverse to him had been passed, then there is a scope for preferring an appeal as provided for u/s 12 of the Tamil Nadu Patta Pass-Book Act, 1983. In the case on hand, in the absence of following the procedure as contemplated under Rules 3 and 4 of the Tamil Nadu Patta Pass-Book Rules, and when a person who has a right or interest in the property comes to know of an adverse entry in the patta, it is always open to such person, the fourth respondent in the instant case, to submit a petition or representation, requesting for cancellation or modification in the revenue records. In the above circumstances, the contention of the petitioner that the representation or petition submitted by the fourth respondent ought not to have entertained on the ground that that the fourth respondent is not an aggrieved person, cannot be countenanced.

26. The contention of the petitioner that no sooner the pendency of the civil suit instituted by him in O.S. No. 301 of 2008, pending on the file of the District Munsif, Lalgudi was brought to the notice of the Revenue Divisional Officer, Lalgudi, Trichy District, second respondent, he ought to have deferred the proceedings and without passing orders on the petition for deferment, the Revenue Divisional Officer, Lalgudi, Trichy District ought not have passed any order cancelling the mutation effected in favour of Bangaru Ammal, also cannot be countenanced, for the reason that, it is open to the revenue authorities to make a thorough enquiry, as to whether issuance of the patta in favour of the said Bangaru Ammal has been done, by following the procedure, contemplated under the Act and the Rules framed thereunder. Even assuming that there is disputed question as regards the ownership of property, the revenue authorities are not precluded from conducting any enquiry, as to whether the issuance of patta has been done properly. If the order granting patta or change in the entry, is not in accordance with the procedure or without any reference to basic documents such as legal heirship i.e., acquisition by succession, survivorship, inheritance, partition, purchase or otherwise, by decree or order of a Court, or by order of Government or other authority etc., to prove the devolution of rights to the land, mutation already ordered can be modified or cancelled and as per Section 4 of the Act, the entries made in the Patta Pass Book, shall be presumed to be true and correct, until the contrary is proved. Therefore, if fresh materials are brought to the notice of the revenue authorities, appropriate orders can be

passed, after though enquiry.

27. Going through the impugned orders, this Court is of the view that the revenue authorities have not exceeded in their limit, by granting any declaration of title in favour of the contested parties. The revenue authorities have only enquired into the manner in which the patta has been issued in the name of Bangaru Ammal and set aside the same. Hence, the contention of the petitioner that there is violation of Rule 4(4) of the Rules cannot be countenanced. At this juncture, it should also be noted that when the petitioner was served with a summons for an enquiry, he had failed to appear before the revenue authorities and submitted any documents. He has only sent a representation to the second respondent to defer further proceedings citing the pending of the suit in O.S. No. 301 of 2008, on the file of the learned District Munsif, Lalgudi, filed for an injunction, which is now stated to be amended with a prayer for declaration. First of all, the petitioner has not availed the opportunity given by the second respondent. Secondly, the rule only confers a discretion on the Tahsildar, upon his subjective satisfaction regarding any dispute over the ownership, if already pending on the file of any civil Court. If the revenue authorities, on consideration of the records, satisfy that mutation has been effected without following the procedure, then, it is always open to them, to call upon the interested persons to produce evidence, to prove the ownership and examine the same, and pass appropriate orders.

28. The only contention of the writ petitioner that in the absence of Bangaru Ammal being impleaded in the cancellation proceedings, the cancellation proceedings are liable to set aside cannot also be countenanced for the reason that the authorities have verified with the revenue records and satisfied that there was no legal heirship certificate and other documents, and also found that the procedure has not been followed while effecting mutation in favour of Bangaru Ammal.

29. Yet another reason for rejecting the contention of the petitioner is that the said Bangaru Ammal does not seem to have been bothered over the cancellation of patta in her name. She has not even challenged the order passed by the Revenue Divisional Officer, Lalgudi. When the said Bangaru Animal herself has not questioned the order effecting mutation, the petitioner cannot step into her shoes and advance arguments, on her behalf. Even before this Court, she has not filed any writ petition. Thus, the orders passed by the revenue authority reached a finality.

30. For the above reasons, this Court is of the view that there is no merit in the writ petition and the contentions raised by the petitioner are not sustainable and therefore, the writ petition is liable to the dismissed. Accordingly, the writ petition is dismissed. No costs. Consequently, connected M.P. (MD) No. 2 of 2010 is dismissed. Learned counsel for the petitioner has submitted that as the contesting parties have raised a dispute over the title, in respect of the property in S. No. 189/6C, in Sirugannor Village, Manachanallur Taluk, Trichy District, an

observation may be made to the effect that dismissal of the present writ petition relating to issuance or cancellation of patta shall not have any bearing in the decision regarding title. It is well know that title to the property has to be proved by succession, survivorship, purchase, or through Court order or by any order of the Government, by adducing oral and documentary evidence etc., It is open to the parties to let in evidence. It is made clear that mutation ordered by the revenue authorities, is with reference to manner in which patta was granted earlier, in favour of Bangaru Ammal and it is always open to the rival claimants to prove their title, before the civil Court.