

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M. SUNDRESH

W.P.No.11765 of 2015
and
M.P.Nos.2 and 3 of 2015

C.Nagammal

...Petitioner

- Vs -

1. District Revenue Officer,
Thiruvannamalai,
Thiruvannamalai District.

2. The Revenue Divisional Officer,
Thiruvannamalai,
Thiruvannamalai District.

3. The Tahsildar,
Chengam Taluk Office,
Chengam Taluk,
Thiruvannamalai District.

4. K.B.Ambedkar

...Respondents

Prayer :

Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus calling for the records pertaining to order dated 27.03.2015 passed in AA4/28164/2012 dated 27.03.2015 by the 1st respondent and quash the same and consequently direct the respondents 1 to 3 to maintain the classification of a Strip of land measuring about 0.01.5 Ares, comprised in S.No.13/3A, Thukkapet Village, Chengam Village, Thiruvannamalai District, spreaded as 189 ft length X 9 ft breadth connecting from Pondy-Bangalore High way as Public Path way.

For Petitioner : Mr.V.Manohar

For Respondents 1 to 3 : Mr.P.Sanjay Gandhi,
Additional Government Pleader

For 4th respondent : Mr.Karthik
for M/s.T.S.Gopalan & Co.

O R D E R

Heard both sides.

2. In this Writ Petition, the petitioner has challenged the order passed by the revenue authority, with respect to the grant of patta in favour of the fourth respondent.

3. Admittedly, the petitioner has filed a suit which is pending disposal in O.S.No.201 of 2012 on the file of Subordinate Court, Tiruvannamalai. The suit has been filed by the petitioner for declaration and for permanent injunction and the fourth respondent is also a party to the suit. Thus the impugned proceedings would be subject to the decree to be passed in the pending suit. The law is quite settled that patta is not a document of title and any decision to be made is subject to the decision rendered by the Civil Court. Hence, a direction is issued to the learned Subordinate Judge, Tiruvannamalai to dispose of the O.S.No..201 of 2012, within a period of nine months from the date of receipt of a copy of this order. While disposing of the suit in O.S.No.201 of 2012, the learned Subordinate Judge shall not have any reference to the order impugned. Based upon the Civil Court decree, the petitioner is at liberty to approach the revenue authorities if so advised. It is also made clear that in view of the above said order, the revenue authorities have no role to play and they shall not interfere in the inter se dispute between the petitioner on one hand and the 3rd respondent on the other, as the matter is pending before the civil Court.

WEB COPY

Accordingly, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

arr

To

1. District Revenue Officer,
Thiruvannamalai,
Thiruvannamalai District.

2. The Revenue Divisional Officer,
Thiruvannamalai,
Thiruvannamalai District.

3. The Tahsildar,
Chengam Taluk Office,
Chengam Taluk,
Thiruvannamalai District.

1 CC to P.G. Thiyagu, Advocate SR.No. 50580

1 CC to the Government Pleader, SR.No. 51023

1 CC to M/s.T.S.Gopalan & Co., Advocate SR.No. 50589

W.P.No.11765 of 2015

WEB COPY

UG (CO)
PSI (14.10.2015)