

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2017

CORAM

THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.No.14888 of 2017
and
WMP.No.16131 of 2017

R.Mariya Louisa

... Petitioner

vs.

1. The Collector,
Tiruvallur District.
2. The District Revenue Officer,
Tiruvallur.
3. The Revenue Divisional Officer,
Ambattur,
Chennai - 600 053.
4. The Tahsildar,
Ambattur,
Chennai - 600 053.
5. Mrs.Shoba Rani G.Singh @ Shoba Giri Singh ...Respondents

PRAYER:

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the order passed by the 2nd respondent in his proceedings vide Rc.3942/2016/B3 dated 22.2.2017 and quash the same and consequently direct the respondents to restore the patta in favour of the petitioner.

For Petitioner :Mr.S.Ilamvaludhi

For Respondents:Mr.R.Govindasamy

Special Government Pleader for R1 to R4
Mr.Silambannan,
Senior Counsel for
M/s.Kavyasilambannan Associates for R5.

O R D E R

The petitioner is aggrieved against the order of the second respondent dated 22.02.2017 dismissing the revision arising out of patta proceedings.

2. Heard Mr.S.Ilamvaludhi, learned counsel for the petitioner and the learned Special Government appearing for the respondents 1 to 4 and Mr.Silambannan, learned senior counsel appearing for the 5th respondent.

3. Perusal of the pleadings of the respective parties, namely, the petitioner and the 5th respondent through her Power of Attorney, would show that there is a title dispute between the parties in respect of the property, for which, the second respondent has passed the impugned order on 22.02.2017 rejecting the claim of the petitioner seeking for grant of patta. Admittedly, two Civil Suits filed by the respective parties, namely O.S.No.313 of 2015, filed by the petitioner seeking for injunction and O.S.No.257 of 2015, filed by the 5th respondent seeking for declaration, are pending before the District Munsif Court, Ambattur. Therefore, it is for the petitioner and the 5th respondent to work out their remedies in the above civil suits filed by them, out of which, one is for declaration of title to the property in dispute.

4. Needless to say that the Civil Court will have to go into the merits of the claim made by the respective parties and decide the issue with regard to the title to the property in dispute. Once the title is decided, it is always open to the respective parties to approach the revenue authorities and seek for modification of the patta in accordance with the decree granted by the Civil Court. Needless to say that patta is not a document of title. Therefore, the parties need not have any apprehension with regard to the order passed by the second respondent impugned in this writ petition, who in fact has relegated the parties to go before the Civil Court, if they are aggrieved against the said order.

5. Considering all these facts and circumstances, this Court is of the view that the petitioner and the 5th respondent, instead of fighting the matter before this Court in respect of patta proceedings, have to contest the matter before the Civil Court and get the title dispute decided at the earliest possible time. Accordingly, this writ petition is disposed of without expressing any view on the merits of the claim made by both the parties as well as the reasoning given by the second respondent in the impugned order only with a direction to the petitioner and the 5th respondent to work out their remedy in their respective suit filed before the District Munsif Court,

Ambathur. Since the suits are filed by the respective parties in respect of the same property, the District Munsif Court is directed to try both the suits together. Till a finality is reached in the Civil Suit, the statusquo shall be maintained by the revenue officials in respect of the endorsement made in the patta as on today. No coss. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

vsi

To

1. The District Munsif Court,
Ambathur.
2. The Collector,
Tiruvallur District.
3. The District Revenue Officer,
Tiruvallur.
4. The Revenue Divisional Officer,
Ambattur,
Chennai - 600 053.
5. The Tahsildar,
Ambattur,
Chennai - 600 053.

+1cc to Mr.S.Ilamvaludhi, Advocate, S.R.No.83121

+1cc to M/s.Kavyasilambannan Associates, Advocate, S.R.No.83342

+1cc to the Government Pleader, S.R.No.83701

CS/28/11/17

W.P.No.14888 of 2017

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