

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.09.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 5054 of 2018
W.M.P.Nos. 6234 & 6235 of 2018

Joseph Easayan

..Petitioner

vs

1. The District Collector
Kancheepuram District,
Kancheepuram.

2. The Tahsildar
Tambaram Taluk,
Tambaram,
Chennai - 600 045.

3. The Special Tahsildar
Natham Land Revenue Scheme,
Tambaram,
Chennai - 600 045.

4. Latha Rajendran

5. Sree Kariakal

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ petition for the relief of writ of mandamus directing the respondents 1 to 3 to conduct an enquiry and consequently extend patta to the lands in petitioners occupation in all measuring 3403 square feet comprised in Survey No.110/A Part and New Survey No.210/13 situated at Peerkankaranai Village then Saidapet Taluk now Tambaram Taluk within Kancheepuram District and issue patta afresh in his favour by cancelling the earlier joint patta issued in the name of Latha Rajendran and one Sree Kariakal the respondents 4 and 5.

For Petitioner : Mr.D.Ashok Kumar

For Respondents : Mr.R.S.Selvam
Government Advocate for R1 to R3

Mr.A.Paramasivam for R4 & R5

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents No.1 to 3 to conduct an inquiry and consequently extend patta to the lands in petitioners occupation in all measuring 3403 square feet comprised in Survey No.110/A Part and New Survey No.210/13 situated at Peerankarani Village then Saidapet Taluk now Tambaram Taluk within Kancheepuram District and issue patta afresh in his favour by cancelling the earlier joint patta issued in the name of Latha Rajendran and one Sree Kariakal the respondents No.4 and 5.

2. The learned counsel for the writ petitioner states that, there is an error in respect of the entries made by the officials in revenue register. The error was admitted by the revenue officials. Therefore, the same has to be corrected by the revenue officials.

3. The Learned Government Advocate appearing on behalf of the respondents 1 to 3 brought to the notice of this Court that, a civil litigation is pending between the parties in O.S.No.292 of 2009, before the District Munsif Court, Tambaram. When the civil suits are pending between the parties in respect of the title, ownership and possession, the revenue officials cannot consider any such alterations or modifications in accordance with the provisions of the Tamil Nadu Patta Pass Book Act, 1983. This Court is of an opinion that, Sec.3 of the Tamil Nadu Patta Pass Book Act, 1983 enumerates that, the patta pass book can be granted to the owner only for the event of establishing the person is owner of the immovable property, then alone the patta pass book can be granted under the provisions of Tamil Nadu Patta Pass Book Act, 1983. In the event of any dispute between the parties, the same must be resolved by the way of adjudication before the Competent Civil Court of law.

4. Admittedly, civil suit is pending between the parties in O.S.No.292 of 2009. Thus, the respective parties are at liberty to file their original documents and adducing evidence before the Competent Civil Court of Law. After the completion of all such Civil litigations, the respective parties are at liberty to file a fresh application for grant of patta, cancellation of patta or effecting alterations or additions in the revenue records as per the procedures contemplated. Till such time all the revenue proceedings are kept in abeyance

5. Accordingly, this writ petition stands disposed of. No Costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

pns/pkn

To

1. The District Collector
Kancheepuram District,
Kancheepuram.
2. The Tahsildar
Tambaram Taluk,
Tambaram,
Chennai - 600 045.
3. The Special Tahsildar
Natham Land Revenue Scheme,
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+1cc to Government Pleader sr.no.65483

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spd(co)
nr 16/10/2018

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