

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10-08-2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.8092 of 2017

And

W.M.P.No.8877 and 11586 of 2017

S.Kamalahasan

.. Petitioner

Versus

1.The District Collector,
Thiruvallur District at Thiruvallur.

2.The Revenue Divisional Officer,
Tiruttani,
Thiruvallur District.

3.The Tahsildar,
Tiruttani Taluk,
Thiruvallur District.

4.M.Rameshbabu .. Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the respondents 1 to 3 herein from proceeding further on the Patta Transfer Application of the fourth respondent in respect of the lands comprised in Survey No.221/13, measuring 1.03.5 hectares situated at Thumbikulam, Hamlet of Thazhavedu Village, Tiruttani Taluk, Thiruvallur District, till the civil suit in O.S.No.212 of 2015 on the file of the Principal District Judge at Thiruvallur, is decided on merits.

For Petitioner : Mr.K.Premkumar

For Respondents-1to3 : Mr.M.Karthikeyan,

Additional Government Pleader.
For Respondent-4 : Mr.C.Prakasam

O R D E R.

The relief sought for in this writ petition is to forbear the respondents 1 to 3 from proceeding further on the Patta Transfer Application of the fourth respondent in respect of the lands comprised in Survey No.221/13, measuring 1.03.5 hectares situated at Thumbikulam, Hamlet of Thazhavedu Village, Tiruttani Taluk, Thiruvallur District, till the civil suit in O.S.No.212 of 2015 on the file of the Principal District Judge at Thiruvallur, is decided on merits.

2. The learned counsel, appearing on behalf of the writ petitioner, made a submission that the patta was originally granted in his father's name and the same was inherited by the writ petitioner. However, the fourth respondent also claims patta in respect of the same lands and filed an application, seeking cancellation of the patta originally granted under the name of the father of the writ petitioner.

3. The parties to the lis now admitted that a civil suit in O.S.No.212 of 2015 is pending on the file of the learned Principal District Judge, Thiruvallur. The suit is filed for partition. In the suit, both the writ petitioner as well as the fourth respondent are parties and the parties are in the process of defending the suit before the learned Principal District Judge, Thiruvallur.

4. In view of the fact that there is a Civil dispute exist between the parties and the civil suit is also pending before the competent Civil Court, it is preferable that all parties have to adjudicate the issues before the Civil Court and only after the conclusion of the civil disputes, they are at liberty to approach the Revenue Officials for grant of patta and for cancellation of patta.

5. This Court is of an opinion that Section 3 of the Patta Pass Book Act, 1983 enumerates that patta can be issued to the owner of an immovable property. Thus, if the owner of an immovable property files an application, seeking patta, then alone the Revenue Officials can issue patta. In the event of any disputes or counter claim between the parties, the Revenue Officials are to adjudicate the title, possession or ownership in respect of immovable properties. In other words, the disputes in relation to the title can never be adjudicated before the Revenue Officials under the provisions of the Patta Pass Book Act, 1983. All such disputes are to be resolved only before the competent Civil Court of Law and after the conclusion of civil litigations, the respective parties are at liberty to submit a fresh application for grant of patta or for cancellation of

patta or to effect modification in the revenue records.

6. This being the principles to be followed, this Court is of an opinion that the patta proceedings as well as the cancellation of patta proceedings are all shall be kept in abeyance till the final conclusion of the civil litigations between the parties. After the conclusion of the civil litigations, the respective parties are at liberty to approach the Revenue Officials by submitting a fresh application for seeking patta or for cancellation of patta or otherwise.

7. With these directions, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Svn

To

- 1.The District Collector,
Thiruvallur District at Thiruvallur.
- 2.The Revenue Divisional Officer,
Tiruttani,
Thiruvallur District.
- 3.The Tahsildar,
Tiruttani Taluk,
Thiruvallur District.

+1cc to Mr.K.Premkumar, Advocate, S.R.No.54984

+1cc to Mr.C.Prakasam, Advocate, S.R.No.55283

+1cc to the Government Pleader, S.R.No.55692

WP 8092 of 2017

KS(CO)
GSP(30/08/2018)