

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.09.2018

CORAM

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

W.P.No.6158 of 2018 &
W.M.P.No.7590 of 2018

K.Udayakumar

..Petitioner

Vs.

1. The District Collector,
Thiruvallur District,
Thiruvallur.

2. The District Revenue Officer,
Thiruvallur District,
Thiruvallur

3. The Revenue Divisional Officer,
Revenue Divisional Office, Ponneri.

4. The Tahsildar,
Taluk Office, Ponneri.

5. Mrs.Sagunthala

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certioraried Mandumus calling for the records of the 2nd respondent dated 16.02.2018 vide Na.Ka.22773/2017/A3 and quash the same as illegal and invalid and direct the 2nd respondent to issue patta in favour of the petitioner in respect of the property at S.No.147/2 measuring 0.21.0 Acres situated at No.23, Ellupakka Village, Kolur Firka, Ponneri Taluk, Thiruvallur District.

For Petitioner : Mr.T.S.Baskaran

For Respondents : Mr.D.Raghu
Government Advocate for R1 to R4
Mr.R.Munuswamy for R5

O R D E R

The order of the second respondent dated 16.02.2018 rejecting the claim of the writ petitioner for grant of patta by correcting the name is under challenge in this writ petition.

2. The learned counsel for the writ petitioner strenuously contented that the revenue officials have committed a mistake in respect of the entries to be made in the revenue records. It is brought to the notice of the revenue officials regarding the mistakes and submitted an application for a correction of the same. However, the second respondent has not considered the documents submitted by the writ petitioner and rejected the application. The petitioner claims that the property in question belongs to his father and he inherited the same after the demise of his father. However, all these complex facts and circumstances are to be considered by the competent Court while undertaking the process of adjudication. This Court cannot make a finding based on the statement made in the affidavit in the writ petition. All such title, ownership or possession are to be established by producing original documents and by adducing evidences before the Competent Civil Court of Law.

3. The learned counsel appearing on behalf of the fifth respondent as well as the Learned Government Advocate appearing on behalf of the respondents 1 to 4 made a submission that the Civil Suit in O.S.No.199 of 2017 is pending between the parties before the IVth Additional District Judge, Ponneri. When the civil suit is pending between the parties, the revenue officials are incompetent to adjudicate the application submitted for grant of patta, cancellation of patta or effecting alterations or corrections in the revenue records. All such process are to be undertaken only after the conclusion of the civil proceedings pending between the parties before the Competent Civil Court of Law. So also, this Court under Article 226 of the Constitution of India cannot conduct an inquiry in respect of title, ownership or possession. In the event of any violation of procedures to be followed for arriving a conclusion, then alone the jurisdiction can be vogue. The decision now arrived by the second respondent is that, the dispute between the writ petitioner and the 5th respondent are to be resolved through Competent Civil Court of Law. Further a civil suit in O.S.No.199 of 2017 is also pending.

4. This being the factum of the case, the respective parties are at liberty to pursue the civil suit for effective adjudication and only after the conclusion of the civil litigations, the respective parties are at liberty to submit a fresh application for grant of patta, cancellation of patta or effecting alterations or corrections with the revenue records. In the event of submitting any such applications after the conclusion of the civil dispute then the competent authority is empowered to adjudicate the same and pass orders in merits and in accordance with law. This being the principles to be followed, the writ petitioner has not established any acceptable ground for the purpose of the interfering with the order

impugned in this writ petition. All the contentions raised by the writ petitioner can be raised before the Civil Court by way of submitting proofs and documents and by adducing evidences.

5. Accordingly the writ petition stands dismissed. No Costs. Consequently connected miscellaneous petition is closed.

pns/pkn

Sd/-

Assistant Registrar(CS IX)

// True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Thiruvallur District,
Thiruvallur.

2. The District Revenue Officer,
Thiruvallur District,
Thiruvallur

3. The Revenue Divisional Officer,
Revenue Divisional Office,
Ponneri.

4. The Tahsildar,
Taluk Office, Ponneri.

+ 1 cc to Mr.R.Munuswamy, Advocate Sr 64904
+ 1 cc to Mr.T.S.Baskaran, Advocate Sr 65207
+ 1 cc to The Govt.Pleader, Sr 65522

KR/5/10/18

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