

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2018

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

W.P.No.5221 of 2017
and
W.M.P.No.5549 of 2017

Mrs.Aruvi

..Petitioner

vs

- 1.The Principal Secretary-cum-Commissioner
of Land Administration, Ezhilagam,
Chepauk, Chennai - 600 005.
- 2.The Assistant Commissioner,
Land Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.
- 3.The Collector,
Dharmapuri District.
- 4.The District Revenue Officer,
Dharmapuri District.
- 5.The Revenue Divisional Officer,
Dharmapuri, Dharmapuri District.
- 6.The Tahsildar,
Nallampalli Taluk, Dharmapuri District.
- 7.The Revenue Inspector,
Nallampalli, Dharmapuri District.
- 8.The Village Administrative Officer,
Laligam Panchayat, Dharmapuri District.
- 9.Mr.Perumal

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the entire records pertaining to passing of the impugned order in Proc.No.G1/12301/2016 dated 17.02.2017 passed by the 1st respondent herein and quash the same and grant such other suitable relief.

For Petitioner : M/s.C.Umashankar
For Respondents : Mrs.A.Srijayanthi,
Spl GP for R1 to R8
Mr.G.Sankaran for R9

O R D E R

The order passed by the 1st respondent in proceedings dated 17.02.2017 in respect of the claim of the writ petitioner for grant of patta is under challenge in this writ petition.

2.The learned counsel appearing on behalf of the writ petitioner made a submission that the petitioner is the absolute owner of the property and the superstructure at Survey No.1014/30, Laligam Village, Nallampalli Taluk, Dharmapuri District and the writ petitioner secured title through a registered settlement deed dated 01.04.2011 executed by her husband Mr.L.M.Saravanan and the document was registered at Sub-Registrar office, Dharmapuri(west) as document No.1519 of 2011.

3.The grievance of the writ petitioner is that the Principal Secretary and Commissioner of Land Administration passed an order, rejecting the claim of the writ petitioner for grant of patta in her favour. However, initially, the patta was granted by the Tahsildar, who is the original authority and thereafter, it is cancelled and challenging the order of cancellation, the petitioner preferred an appeal and the same was rejected. It is an admitted fact that a Civil Suit in O.S.No.55 of 2012 is pending before the learned District Munsif Court, Dharmapuri and the relief sought for in the suit is for a declaration of a title and for permanent injunction. In view of the fact that the civil litigations are pending between the parties, the patta proceedings need not be continued and all such proceedings shall be undertaken only after the disposal of the civil litigations now pending between the parties.

4.This Court is of an opinion that under Section 3 of the Patta Pass Book Act, 1983, a patta can be granted to an "owner" of an immovable property. If there is no dispute in relation to the title and ownership of a property, then alone the competent revenue officials shall issue patta in favour of the persons. In the event of any disputes in respect of title, ownership or possession, then the parties must be directed to approach the competent Civil Court of law for establishing their title or ownership. In other words, the revenue officials are incompetent to adjudicate the same and decide the title, ownership or possession of an immovable property. If there is counter claim or a Civil Suit is pending, then the revenue officials cannot adjudicate the title and ownership and grant patta or cancel the

patta or effect alterations in the revenue records. All such exercise shall be done only after the conclusion of the civil disputes, which all are pending between the parties before the competent Civil Court of law.

5.This being the legal principles to be followed, this Court is of an opinion that all such revenue proceedings are to be kept in abeyance till the conclusion of the civil litigations. In the event of reopening of all such revenue proceedings, then it will create confusion between the parties and it will provide an undue advantage to either of the parties for conducting the civil litigations independently and based on the documents produced by them.

6.In this view of the matter, all the revenue proceedings including the impugned order passed by the 1st respondent are kept in abeyance. The respective parties to the lis on hand are permitted to adjudicate the issues before the competent Civil Court of Law and only after the conclusion of the civil disputes, they are at liberty to file a fresh application before the competent authorities for grant of patta under the Patta Pass Book Act, 1983 and thereafter, the respondents are at liberty to consider the same on merits and in accordance with law and by following the procedures as contemplated.

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

Sd/-
Assistant Registrar (CS-IX)

// True Copy//

Sub Assistant Registrar

To

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+lcc to Mr.C.Uma Shankar, Advocate SR.No.54918

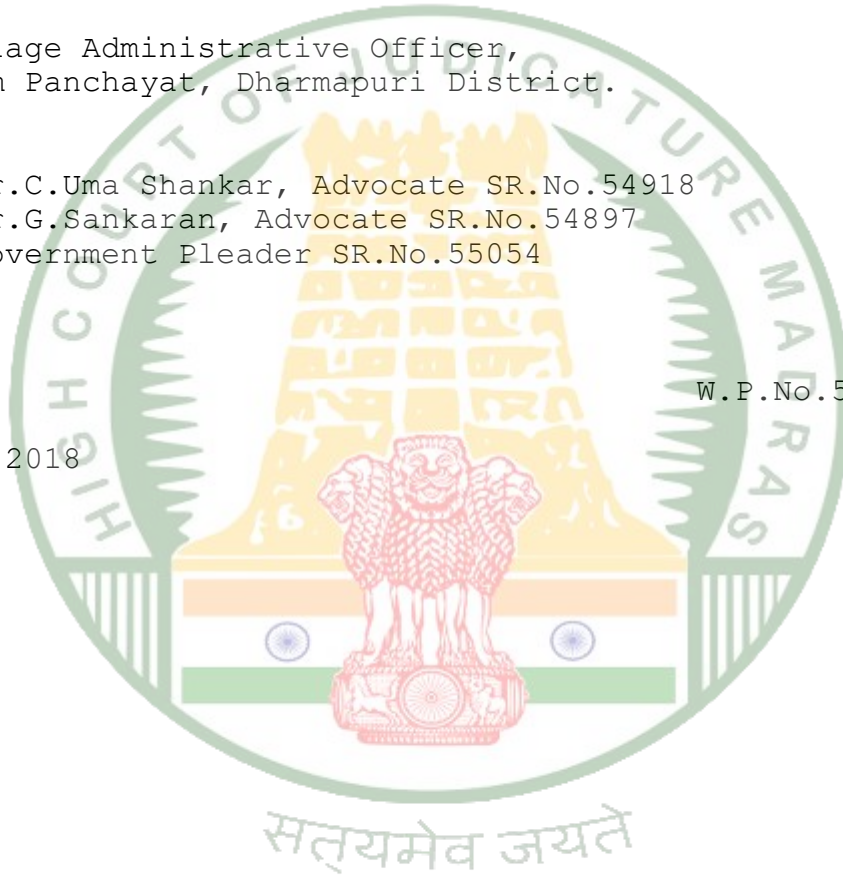
+lcc to Mr.G.Sankaran, Advocate SR.No.54897

+lcc to Government Pleader SR.No.55054

W.P.No.5221 of 2017

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