IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2018

CORAM

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

W.P.No.12349 of 2016 and
W.M.P.Nos.10685 & 10686 of 2016
& 3839 of 2017

M/s.Navven Transport Pvt. Ltd.,
Old No.174, New No.318,
Sivagami Complex 1st Floor,
Thambu Chetty Street,
Chennai - 600 001.
Rep. by its Managing Director
Mr.A.Balan. ... Petitioner

Vs.

1. The Revenue Divisional Officer,
   Ambattur, Chennai - 600 053.

2. U.Padmanabhan ... Respondents

PRAYER: Writ Petition has been filed for Writ of Certiorarified Mandamus, to call for the records relating to the impugned notice dated 04.03.2016 Ref.No.Na.Ka.69/2014/A5 and the consequential notice dated 21.03.2016 Ref.No.Na.Ka.69/2014/A5 both issued by the 1st respondent and quash the same and consequently direct the 1st respondent authority not to disturb the patta already granted to the petitioner in respect of its property at Plot No.34, Lakshmupuram, Redhills Road, Chennai - 600 009, measuring 26.5 cents comprised in Survey No.1460/4A present Survey No.1460/4A1A, Madharavam Village, Madhavaram Taluk covered in Patta RPT No.11124/2009.

For Petitioner	:	Mr.S.Thanka Sivan
For 1st Respondent	:	Mr.S.Rajeswaran Special Government Pleader
For 2nd Respondent	:	Mr.S.R.Prakash

O R D E R

Though enquiry notice issued by the Revenue Divisional Officer, Ambattur, is under challenge in this Writ Petition, this Court has to consider the fact that civil disputes in O.S.No.49 of 2012 and O.S.No.1 of 2014 before District Munsif Court, Tiruvottiyur, are pending between the parties with regard to the lis on hand. Thus, it is preferable that all the Revenue proceedings are to be kept in abeyance till the completion of the civil disputes pending before the civil Court of law.

2. This Court is of an opinion that no writ petition can be entertained against the impugned notice in normal circumstances and in routine manner. The authorities competent, on initiation of enquiry proceedings, must be allowed to conclude the same in all respects and pass final orders.

3. However, it is brought to the notice of this Court by the learned counsels appearing on behalf of the parties that civil suits between parties are pending. The learned counsel appearing for the petitioner states that the suit is not for declaration of title and permanent injunction. Therefore, there is no bar for the Revenue Divisional Officer to continue enquiry proceedings in accordance with provisions of the Patta Passbook Act.

4. Section 3 of the Tamil Nadu Patta Passbook Act, 1983, states that "owner" is entitled for grant of patta in accordance with procedure contemplated. Thus, it is clear that in the event of no dispute, the person is entitled for grant of patta under the Act.

5. Contrarily, if there is any dispute in respect of title, ownership or possession, the parties must be directed to adjudicate the same before the competent Court of law and thereafter, the respective parties are entitled to submit application for grant of patta, cancellation of patta or alteration in the Revenue records. In the event of adjudicating the title or possession in the Writ Petition or allowing such Revenue Officials to continue the patta proceedings under the Act, to decide the title, ownership or possession in respect of immovable properties in question the rights of the parties will be affected. Such complex facts and circumstances arising on account of certain documents can never be adjudicated in the Writ Petition under Article 226 of Constitution of India. All such factual disputes are to be adjudicated by a full-fledged trial by submitting documents and by adducing evidence before the competent Court of law and therefore, this Court is not inclined to consider the ground raised in respect of the title, ownership or possession by the respective parties in the Writ Petition.

6. Admittedly, the Civil Suits are pending. May that be for permanent injunction or any other relief, however, deciding the Writ Petition on merits at this stage will provide unnecessary advantage to either of the party in respect of the title and other related proceedings. Patta will not confer any title and parties concerned are bound to establish their ownership or title by producing documents and by adducing evidence before the Civil Court competent.

7. This being the legal principles to be followed, this Court is of an opinion that the parties to the present Writ Petition shall adjudicate the Civil Suit in the manner known to law and by producing documents and by adducing evidence. Only after the conclusion of the civil disputes between the parties, the respective parties are at liberty to submit a fresh application to the Revenue officials for grant of patta or for effecting alteration or modification in the revenue records. Till such time, all patta proceedings including patta granted to the petitioner or to the respondent and all other proceedings in this regard are kept in abeyance.

8. Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-IX)

// True Copy//

Sub Assistant Registrar

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To
The Revenue Divisional Officer,
Ambattur, Chennai - 600 053.

+1cc to Mr.S.Thangasivan, Advocate SR.No.61068
+1cc to Mr.S.R.Prakash, Advocate SR.No.60957
+1cc to Government Pleader SR.No.61287

W.P.No.12349 of 2016 and
W.M.P.Nos.10685 & 10686 of 2016
& 3839 of 2017

KS(CO)
RMP(26/09/2018)