

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :19.06.2018
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.5828 of 2014
and
M.P.No.2 of 2014

Muni Venkatappa

.Petitioner

vs

1.The Principal Secretary,
And Commissioner of Land Administration,
Government of Tamil Nadu,
Ezhilagam,
Chepauk,
Chennai - 600 005.

2.Nanjuna Reddy

3.Rama Reddy

4.Srinivasa Reddy

5.Muni Reddy

6.Venkataswami Reddy

Respondents 2-6 are residing at
S.Muduganapalli village and post,
Hosur Taluk,
Krishnagiri District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Certiorari, to
call for the records of the proceedings dated 20.12.2013 in Ref
No.K4/15120/2013 on the file of the first respondent and to
quash the same as illegal, incompetent and without jurisdiction.

For Petitioner : Mr.V.Raghavachari

For Respondents : M/s.A.Srijayanthi, Spl GP for R1
Mr.K.Chandrasekaran for R2 to R6

O R D E R

The proceedings of the 1st respondent dated 20.12.2013 in
respect of 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 there is a dispute in relation to the title of the property between the parties and a Civil Suit in O.S.No.296 of 2007 is pending before the District Munsiff Court, Hosur. The Suit is filed for declaration of title and for permanent injunction and admittedly, the Civil Suit is pending for adjudication.

3.This Court is of an opinion that the competent authority under the Patta Pass Book Act, is empowered to initiate proceedings and adjudicate the same and grant Patta only in respect of the owners of the immovable properties. The language employed in the said Act is that the owner is entitled to apply for grant of Patta. However, the ownership, title or possession can never be adjudicated by the Revenue officials in Patta proceedings under the Patta Pass Book Act. Thus, if any dispute prevails between the parties, title or ownership or possession, the respective parties are bound to approach the competent Civil Court of Law for the purpose of establishing their legal right towards any immovable properties.

4.This being the legal proposition to be adopted, it is improper on the part of the Revenue officials to adjudicate the title or ownership in respect of the immovable properties in Patta proceedings initiated under the Patta Pass Book Act. It is a prevailing practice now that the Tahsildar grants Patta, then the D.R.O cancels the Patta and next, the higher officials gone passing some order or otherwise, even during the pendency of the civil litigations before the competent Civil Courts. Such practice of these Revenue officials are to be deprecated. The officials are not empowered to entertain any claim in respect of ownership or title when the Civil Suit is pending before the authorities and before the competent Civil Court.

5.In the present case on hand, admittedly, a Civil Suit in O.S.No.296 of 2007 is pending for adjudication. The respective parties are at liberty to adjudicate the matter in the manner known to law. However, the orders for grant of Patta or cancellation of Patta or any other proceedings under the said Act is to be kept in abeyance till the Civil proceedings are concluded in all respects between the respective parties.

6.Accordingly, the impugned order passed by the 1st respondent in Ref No.K4/15120/2013 dated 20.12.2013, is kept in abeyance and the proceedings need not be implemented till the conclusion of the Civil disputes between the parties before the competent Court of Law.

7. Accordingly, 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

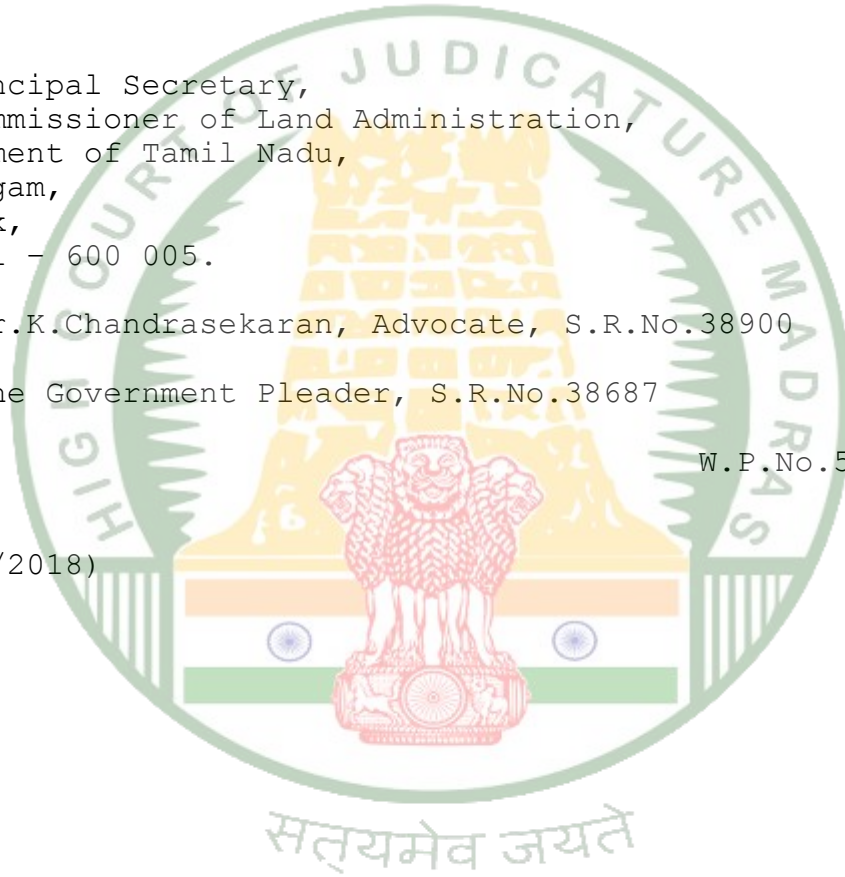
1. The Principal Secretary,
And Commissioner of Land Administration,
Government of Tamil Nadu,
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Chennai - 600 005.

+1cc to Mr. K. Chandrasekaran, Advocate, S.R.No.38900

+1cc to the Government Pleader, S.R.No.38687

W.P.No.5828 of 2014

NA (CO)
GSP (29/06/2018)



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