

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.06.2018

CORAM

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

W.P.No.30890 of 2014
and MP.No.2 of 2014

Rajendran

..Petitioner

vs

1.The District Collector,
Perambalur.

2.The Tahsildar,
Kunnam Taluk,
Perambalur District.

3.The Village Administrative Officer,
Perumathur Village, Kunnam Taluk,
Perambalur District.

4.Viruthambal

5.Valambal

6.Logambal

..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 pertaining to the Order in Na.Ka.A2/7442/2014 dated 14.08.2014 on the file of the second respondent and to quash the same.

For Petitioner : Mr.R.Selvakumar
For R1 to R3 : M/s.A.Sri Jayanthi,
Special Government Pleader

For R4 to 6 : Mr.R.Saravanan
for M/s.Sai Bharath & Ilan

O R D E R

The order of the Tahsildar effecting the transfer of patta against the writ petitioner is under challenged in this writ petition.

2. The learned counsel appearing on behalf of the writ petitioner made a submission that the patta granted in his favour has been transferred in favour of the respondents 4 to 6. Thus, the petitioner is constrained to move the present writ petition challenging the order passed by the Tahsildar in Na.Ka.A2/7442/2014 dated 14.08.2014.

3. The learned counsel appearing on behalf of the respondents 4 to 6 made a submission that Civil disputes are pending between the parties. Though the first appeal filed was dismissed for default, the petitioner filed for restoration and the same is pending.

4. May that it be, this Court is of an opinion that under the provisions of the Patta Passbook Act, against the order of the Tahsildar, appeal lies before the Appellate Authority. Thus, the present writ petition filed challenging the order passed by the Tahsildar need not be entertained at this point of time. This apart, the Civil Litigations initiated by the respective parties are now pending before the Civil Courts. When the Civil litigations are pending before the competent Civil Court, the Tahsildar or the Appellate Revenue Authority cannot adjudicate the title or otherwise in respect of the properties concerned. So also, the patta or transfer of patta cannot be granted. Only after the conclusion of the Civil Litigations, the respective parties shall be allowed to submit their application for grant of patta, transfer of patta or otherwise under the provisions of the Patta Pass Book Act. During the pendency of the Civil Litigation, the revenue officials cannot decide the title or otherwise of the respective parties nor adjudicate the grant of patta or cancellation of patta under the provisions of the Patta Passbook Act.

5. The Patta Passbook Act clearly enumerates that the competent authority shall grant patta to the "owner". When the ownership or title is under dispute then the authorities competent cannot entertain any application for grant of patta or cancellation of patta. Thus, the respective parties are at liberty to submit fresh application only after conclusion of the civil dispute now pending before the competent Civil court.

6. In this view of the matter, the impugned order passed by the second respondent in Na.Ka.A2/7442/2014 dated 14.08.2014 is kept in abeyance and after the conclusion of the Civil litigations between the respective parties, if any application is submitted by the respective parties, then the same may be adjudicated and decision may be taken under the Patta Passbook Act.

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

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

lok/stm

To

- 1.The District Collector,
Perambalur.
- 2.The Tahsildar,
Kunnam Taluk,Perambalur District.
- 3.The Village Administrative Officer,
Perumathur Village, Kunnam Taluk,
Perambalur District.

+1cc to M/s.Sai Bharath & Ilan, Advocate sr.no.38537
+1cc to Mr.R.Selvakumar, Advocate sr.no.38572
+1cc to Government Pleader in sr.no.38690

W.P.No.30890 of 2014

vba(co)
nr 04/07/2018

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