IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2018

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

W.P.No.1454 of 2016

and

W.M.P.Nos.1215 and 4131 of 2016

and

W.M.P.No.2271 of 2018

M/s.Shree Arunachala Foundations Pvt. Ltd.,
Rep.by its Managing Director Mr.R.Ravi,
No.AD-61, New No.3, 3rd Street,
Anna Nagar, Chennai - 600 040. ..Petitioner

vs

1.The Revenue Divisional Officer,
Ponneri Revenue Division,
Ponneri - 601 204,
Tiruvallur District.

2.The Tahsildar,
Gummidipoondi Taluk Office,
Gummidipoondi - 601 201,
Tiruvallur District.

3.Madras Litrex Pvt., Ltd.,
Reptd.by its Managing Director,
Mr.Vinod Bhatla,
No.132, St.Mary's Road, Alwarpet,
Chennai - 600 018.

4.Rekha Bhatla

5.Vinay Bhatla ..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in his impugned proceeding, Na.Ka.379/2015/A2, dated 29.12.2015 and quash the same as arbitrary, ultravires and illegal and consequently direct the respondents 1 and 2 to maintain status quo regarding revenue records in respect of lands of the petitioner in Joint Patta, bearing No.563, comprised in Survey No.225/1A1A(Part), measuring an extent of 50.00 acres out of the total extent of 35.16.5 hectares(i.e) 86.86 acres, situate at Eguvarpalayam Village(also previously known as Kumara Muthu Venkatabarathapuram, Mangalapalayam Village), Gummdipoondi Taluk, Tiruvallur District pending decision in the civil disputes between the petitioner and the respondents 3 to 5.

For Petitioner : Mr.R.Munuswamy

For Respondents : Mrs.A.Srijayanthi,
Spl GP for R1 and R2
Mr.T.Velumani for R3 to R5

ORDER

The 1st respondent / the Revenue Divisional Officer, passed an order in proceedings dated 29.12.2015, removing the name of the writ petitioner from the Patta Pass Book and aggrieved from and out of the said order, the present writ petition has been filed.

2.The learned counsel appearing on behalf of the writ petitioner made a submission that the petitioner is a Private Company incorporated under the provisions of the Companies Act. The petitioner is the absolute owner of the property, being agricultural Panchayat lands situated at Eguvarpalayam Village, Gummidipoondi Taluk, Tiruvallur District, measuring an extent of 50.00 Acres in and out of total extent of 200.18 Acres, comprised in Survey No.225/1 and present Survey No.225/1A1A (Part), covered in Paimash Nos.1435, 1445, 1455, 1447, 1454 and 1456 as per the description.

3.The grievance of the writ petitioner is that the company is entitled for a separate patta in respect of the portion of the land purchased by from their vendors. The said claim of the writ petitioner had been rejected by the Revenue Divisional Officer and challenging the same, the present writ petition has been filed.

4.The learned counsel appearing on behalf of the respondents 3 to 5 objected the contention by stating that the writ petitioner is not having any valid title over the portion of the land purchased by him. Therefore, the writ petitioner is not entitled for any relief and the order passed by the 1st respondent/Revenue Divisional Officer is based on the Civil Court Decree and there is no infirmity as such. Accordingly, the writ petition is liable to be rejected.

5.This Court is of an opinion that the complex facts and circumstances raised by the respective parties can never be adjudicated nor a finding can be provided in a writ jurisdiction under Article 226 of the Constitution of India. Judicial Review in respect of an order passed by the competent authorities under the Patta Pass Book Act is limited. The decision taken cannot be interfered with in a routine manner and the process through which the decision is taken alone can be interfered with in a writ jurisdiction. This apart, Section 3 of the Patta Pass Book Act,1983 enumerates that an "owner" of the property can apply for grant of Patta Pass Book under the provisions of the said Act before the competent authorities. The competent authorities are empowered to grant Patta Pass Book only when the applicants establishes the ownership. In the event of any dispute in relation to the title, ownership or possession, the revenue officials are incompetent to adjudicate the same under the provisions of the Patta Pass Book Act and the respective parties are bound to approach the competent Civil Court for the redressal of their grievances in respect of title, ownership or possession. In other words, the revenue officials cannot adjudicate the disputes in relation to title and ownership. If there is no dispute in relation to the ownership, then alone the revenue officials can issue Patta Pass Book under the provisions of the Act.

6.Admittedly, in the present case, the respective parties namely, the writ petitioner and the respondents 3 to 6 had already approached the competent Civil Court and a Civil Suit in O.S.NO.40 of 2015 is pending before the Competent Civil Court. The Suit was filed for declaration to set aside the sale deed and for the consequential relief. This apart, A.S.No.72 of 2015 filed against the judgment and Decree passed in O.S.No.5/2006 is also pending before the Sub Court, Ponneri. Thus, the civil litigations now pending between the parties are to be adjudicated and to be concluded in all respects. Only thereafter, the respective parties are at liberty to submit a fresh application for grant of patta, cancellation of patta, alterations or modifications in the revenue records. The exercise of grant of patta or cancellation of patta or modifications can be done by the competent authorities only after the conclusion of the civil litigations and thereafter, based on the records available.

7.This being the factum of the case, all the revenue proceedings including the impugned order and other connected orders issued under the provisions of the Patta Pass Book Act are kept in abeyance till the conclusion of the civil litigations between the parties. After the conclusion of the civil litigations between the parties, the respective parties are at liberty to approach the revenue officials by submitting a fresh application for necessary relief.

8.Thus, no further adjudication needs to be entertained in respect of the other grounds raised in this writ petition, which all are connected with the facts and the merits of the case.

9.Accordingly, the writ petition stands disposed of. However, 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

1.The Revenue Divisional Officer,
Ponneri Revenue Division,
Ponneri - 601 204,
Tiruvallur District.

2.The Tahsildar,
Gummidipoondi Taluk Office,
Gummidipoondi - 601 201,
Tiruvallur District.

+1cc to Mr.T.VELUMANI, Advocate, S.R.No.55234
+1cc to Mr.R.MUNUSWAMY, Advocate, S.R.No. 55222
+1cc to the Government Pleader, S.R.No. 55367

W.P.No.1454 of 2016

TR(24/08/2018)