IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2018

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THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.16490 of 2015
and
M.P.Nos.1 & 2 of 2015

1.Muthulingam
2.Kubendiran ..Petitioners

Vs.

1.The District Collector,
Villupuram District,
Villupuram.

2.The Revenue Divisional Officer,
Villupuram.

3.The Thasildhar,
Villupuram.

4.Nayagam

5.Krishnaveni
(R-5 impleded as per order dated
10.08.2015 in M.P.No.2/2015
in W.P.No.16490/2015) ..Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the 2nd respondent in respect of the proceedings in Pa.Mu.A3/290/2015 dated 20.4.2015 and quash the same.

For Petitioners : Mr.N.Suresh

For Respondents : Mr.D.Raghu
Government Advocate for R1 to R3

Mr.A.Thiyagarajan, Senior Counsel
For Mr.S.Rameshkumar for R4

Mr.H.Nazirudeen for R5

ORDER

The order passed by the 2nd respondent in proceedings dated 20.04.2015 is under challenge in this writ petition.

2.The learned counsel for the petitioners state that 1st writ petitioner is the absolute owner of the properties in Survey Nos.7/3 and 7/4 situated at Orathur Village, Villupuram Taluk, totalling an extent of 60.50 ares. The first petitioner is in possession and enjoyment of the same. The second petitioner is the owner of the property in S.No.6/4A situated at Orathur Village, Villupuram Taluk, totalling an extent of 59 ares. Accordingly, the petitioners are the absolute owners of the land described in the present writ petition. The patta was initially granted by the Tahsildar in favour of the writ petitioners. However, the same was reversed by the 2nd respondent/The Revenue Divisional Officer by entertaining the appeal submitted by the 4th and 5th respondent. Challenging the same, the present writ petition has been filed.

3.The learned Senior Counsel appearing on behalf of the 5th respondent opposed the contention by stating that even as per the own admission of the writ petitioner, he is not entitled for any relief in respect of the property in question. In respect of the very same property, a Civil Suit is also pending in O.S.No.350 of 2011 on the file of the Principal District Munsif Court, Villupuram, wherein the writ petitioners are also parties and therefore, the writ petitioner is not entitled for any relief in the present writ petition.

4.The learned counsel appearing on behalf of the official respondents 1 to 3 states that the Revenue Divisional Officer considered the facts and circumstances and granted the relief in favour of the 5th respondent and the writ petitioners have to adjudicate their rights before the competent Civil Court. If at all, they claims any property right.

5.This Court is of an opinion that the Tahsildar has initially granted patta in favour of the writ petitioners. Subsequently, a Civil Suit was filed and an appeal was also filed before the Revenue Divisional Officer, who in turn reversed the order passed by the Tahsildar. Thus, the writ petitioners are constrained to move the present writ petition.

6.Admittedly, the Civil Suit is for a declaration and permanent injunction filed by the 4th respondent in O.S.No.350 of 2011, on the file of the District Munsif Court, Villupuram. Thus, it is preferable that the parties shall adjudicate all the disputes and issues before the competent Civil Court and only after the conclusion of the civil litigations, the respective parties are at liberty to approach the competent revenue officials for grant of patta, cancellation of patta or alteration or modifications in revenue records in accordance with the provisions of the Patta Pass Book Act or otherwise. During the pendency of the appeal, if the applications or appeals are entertained by the revenue officials, the same would create lot of confusions and any one of the party will take undue advantage of any such orders passed by the revenue officials, which is not conducive for the proper adjudication of the civil disputes now pending before the competent Civil Court of law. This apart, the revenue officials have no jurisdiction or competency to adjudicate the title, ownership or possession in respect of the immovable properties. Thus, the finding, if any made by such revenue officials, will create an unnecessary impact in favour or against all the parties, who all are now adjudicating the civil disputes before the competent Civil Court.

7.This being the factum of the case, this Court is of an opinion that all the revenue adjudications and the orders passed by the Tahsildar as well as the Revenue Divisional officer are to be kept in abeyance till the conclusion of the civil disputes between the parties and after resolving the issues through the competent Civil Court, the respective parties are at liberty to submit a fresh application for grant of patta or cancellation of patta or otherwise.

8.Thus, the impugned order as well as the original order of the Tahsildar, granting patta and all other connected revenue proceedings are kept in abeyance till the conclusion of the civil litigations now pending before the parties.

9.With these observations, 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-VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
   Villupuram District,
   Villupuram.

2.The Revenue Divisional Officer,
   Villupuram.

3.The Thasildhar,
   Villupuram.

+ 1 cc to Mr. Suresh, Advocate Sr.58895
+ 1 cc to Government Pleader Sr.60162
+ 1 cc to Mr. H.Nazirudeen, Advocate SR.58041
+ 1 cc to MR. S. Ramesh Kumar, Advocate Sr.58169

W.P.No.16490 of 2015

(CS-VIII)
EU(07/09/2018)