

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.10.2018

CORAM

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

W.P.No.27262 of 2016

and

W.M.P.Nos.23432 & 23433 of 2016

C.David Climent

..Petitioner

vs

- 1.The District Revenue Officer,
Coimbatore District,
Coimbatore.
- 2.The Revenue Divisional Officer,
Coimbatore District,
Coimbatore.
- 3.The Assistant Director of Survey and
Land Records,
Coimbatore.
- 4.The Thasildar,
Coimbatore Town(North),
Coimbatore.
- 5.M/s.Magnum Foundations(P) Ltd.,
No.3, Mangesh Street,
T.Nagar,
Chennai - 600 017.

6.V.Palanivel

(R6-impleaded as per order dated 10.10.2018

in W.M.P.No.31586/2016 in W.P.No.27262/2016)

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for records relating to the order of the 1st respondent dated 15.07.2016 in ROC.No.2041/2013/C1 and quash the same and consequently direct the 1st respondent to issue patta in favour of the petitioner.

For Petitioner : M/s.P.T.Ramadevi

For Respondents: Mr.R.S.Selvam, GA for R1 to R4
Mr.R.Parthasarathy for R5
Mr.V.V.Sathya for R6

O R D E R

The relief sought for in this writ petition is to quash the order of the 1st respondent dated 15.07.2016, wherein a joint patta has been granted in favour of the 5th respondent.

2.The learned counsel appearing on behalf of the 5th respondent brought to the notice of this Court that a Civil Suit has already been instituted by the petitioner in O.S.No.630/2012 on the file of the Additional District Munsiff Court, Coimbatore. Thus, the parties have to establish their civil rights before the competent Civil Court.

3.Under these circumstances, this Court is of an opinion that all the revenue proceedings are to be kept in abeyance till the conclusion of the civil litigations now pending between the parties. The petitioner claims that he is the absolute owner of the property to an extent of 3.44 Acres and the counter claim is made by the 5th respondent. Under these circumstances, the 1st respondent passed an order granting joint patta. It is needless to state that under Section 3 of the Patta Pass Book Act, 1983, the revenue officials can grant patta only if a person establishes that he is the owner of the property. However, the revenue officials are incompetent to adjudicate the title, ownership or possession in respect of the immovable properties. In the event of any dispute between the parties, the revenue officials have to direct the respective parties to approach the competent Civil Court of law for the purpose of establishing their title, ownership or possession. Thus, the writ petitioner is at liberty to submit appropriate application after the conclusion of the civil litigations now pending between the parties.

4.Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.
kak

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

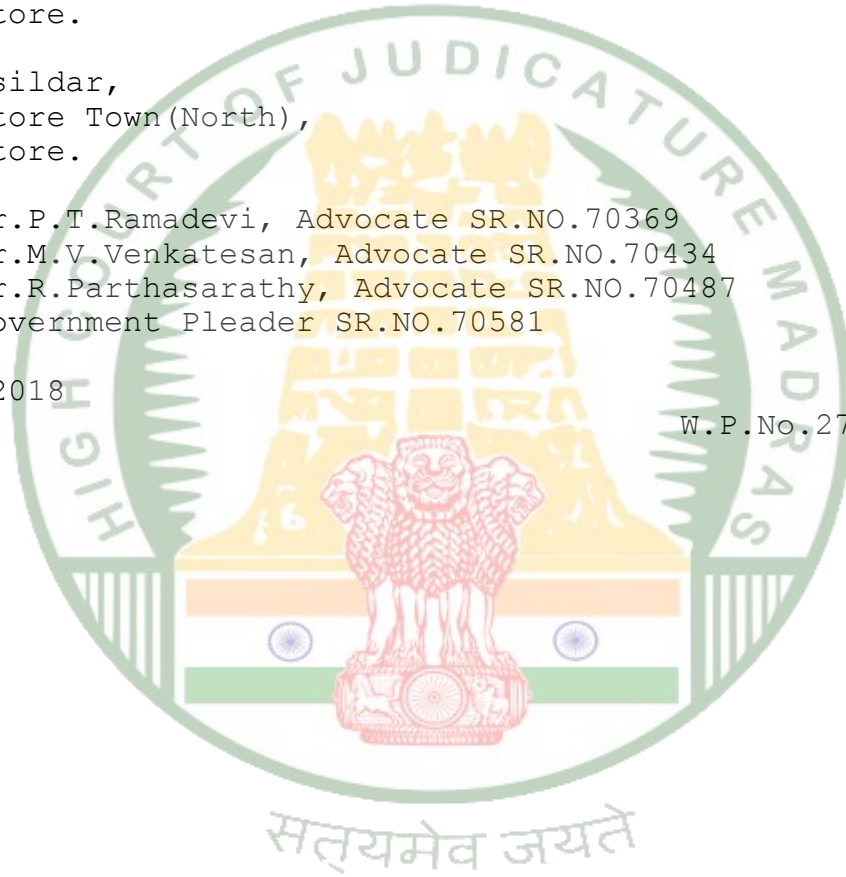
To

- 1.The District Revenue Officer,
Coimbatore District,
Coimbatore.
- 2.The Revenue Divisional Officer,
Coimbatore District,
Coimbatore.
- 3.The Assistant Director of Survey and
Land Records,
Coimbatore.
- 4.The Thasildar,
Coimbatore Town(North),
Coimbatore.

+1cc to Mr.P.T.Ramadevi, Advocate SR.NO.70369
+1cc to Mr.M.V.Venkatesan, Advocate SR.NO.70434
+1cc to Mr.R.Parthasarathy, Advocate SR.NO.70487
+1cc to Government Pleader SR.NO.70581

sm:25.10.2018

W.P.No.27262 of 2016



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