

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.08.2018

CORAM

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

W.P.No.20504 of 2015

and

M.P.No.1 of 2015

E.Rajini Rao Petitioner

Vs.

1.The District Revenue Officer,
Krishnagiri.

2.The Sub-Collector,
Hosur,
Krishnagiri District.

3.Rajeswari

4.V.S.Ravi

5.Syed Sha Jameeluddin

6.S.Sheik Rasheed

7.Tulip Granites Private Limited,
Shoolagiri Village Hosur Taluk,
Represented by its Director Y.J.M.Ali Khan.,
S/o. Hussain Khan. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari or any other appropriate Writ, calling for the records of the 1st Respondent in Pa.Mu.No.21122/2014/J-2 and to quash the Order dated 15.06.2015.

For Petitioner : Mr.R.Bharath Kumar
for Mr.R.Murali

For Respondents : Mrs.A.Srijayanthi
Special Government Pleader
for R1 and R2.

Ms.R.Poornima for R6
No Appearance for R3, R4, R5 & R7

O R D E R

The order passed by the 1st respondent in proceedings dated 15.06.2015 in respect of grant of patta, is under challenge in this writ petition.

2.The learned counsel for the writ petitioner states that he is the owner of the land described in the present writ petition. However, the patta was initially granted in favour of the writ petitioner. Challenging the same, the 3rd respondent preferred an appeal before the 1st respondent, who in turn conducted an enquiry and pass an order in proceedings dated 15.06.2015, which is under challenge in this writ petition.

3.The learned counsel for the writ petitioner states that the 1st respondent made a finding that the disputed facts in relation to the title and ownership cannot be decided by the 1st respondent and further expressed his opinion that the parties concerned have to approach the competent Civil Court of law for the declaration of the title. Having said so, the 1st respondent has granted joint patta in the name of five persons.

4.The learned counsel for the petitioner states that the 1st respondent has come to a conclusion that the ownership has not been established by the persons concerned, then he cannot grant any patta in favour of anybody.

5.The learned Special Government Pleader also states that the complex facts and circumstances arising on account of certain civil disputes, cannot be decided by the revenue officials. Therefore, the 1st respondent has come to the conclusion that the respective parties are bound to settle their civil rights by approaching the competent Civil Court of Law. This being the factum of the case, the 1st respondent ought not to have granted patta in favour of five persons.

6.This Court is of an opinion that when the title, ownership and possession in respect of immovable property is in dispute, then the respective parties must approach the competent Civil Court for the purpose of adjudication and redressing their grievances. Only thereafter, the revenue officials are competent to entertain the patta application. The Patta Pass Book Act, 1983, more specifically, under Section 3 of the Act states that Patta can be issued to an "owner". Thus, only in the event of establishing ownership, the person on application, is entitled to get patta. In the event of any dispute in respect of title or ownership, the revenue officials are incompetent to adjudicate the same and grant patta or cancel the patta or effect alteration or modification in revenue records. In all such circumstances, the revenue officials are bound to direct the parties concerned to approach the Civil Court and settle the issue and thereafter, they are at liberty to consider the application for grant of patta or cancellation of patta.

7.Under these circumstances, all the patta proceedings, including the impugned order passed by the 1st respondent in proceedings in Pa.Mu.No.21122/2014/J-2 dated 15.06.2015 are kept in abeyance till the conclusion of the civil litigations now pending between the parties in O.S.No.133 of 2015 on the file of the District Munsif Court, Hosur. Only after the conclusion of the civil disputes, the applications for grant of patta or cancellation of patta can be entertained by the revenue officials and the respective parties are at liberty to approach the revenue officials after conclusion of the civil disputes.

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

Sd/-

Assistant Registrar(CS VII)

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Sub Assistant Registrar

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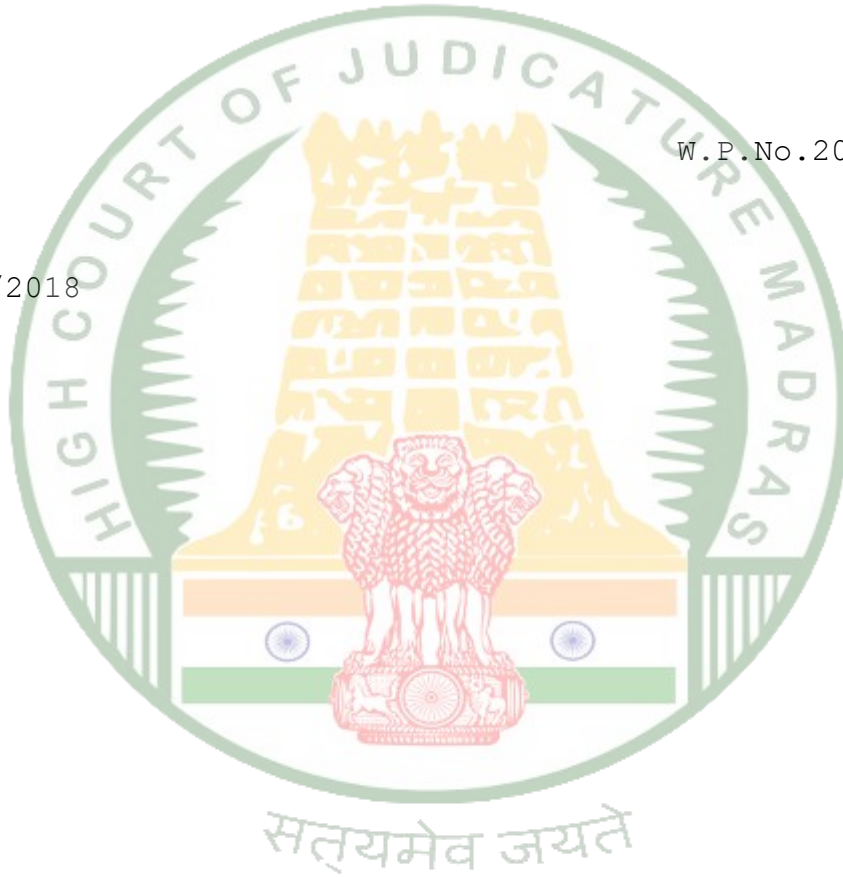
1.The District Revenue Officer,
Krishnagiri.

2.The Sub-Collector,
Hosur,
Krishnagiri District.

+lcc to Mr.R.Murali, Advocate Sr.59974
+lcc to M/S.R.Poornima, Advocate Sr.60024
+lcc to the Government Pleader Sr.60102

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