

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.14642 of 2017

and

W.M.P.Nos.15890 & 15891 of 2017

1.Shivanna

2.Thiyagaraj

.. Petitioners

Vs

1. The District Revenue Officer,
Krishnagiri District,
Krishnagiri.

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

3. The Tahsildar,
Taluk Office,
Hosur, Krishnagiri District.

4. S.K.Pappaiah

5. S.K.Anjappa

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned orders passed by the first respondent in Pa.Mu.No.4476/2012/J2 dated 18.02.2014 and Pa.Mu.No.176312014/J 2 dated 10.05.2016, quash the same and consequently direct the first respondent to register the names of petitioners and respondents 4 and 5 jointly in the Revenue records till the Civil dispute reaches finality.

For Petitioner : Mr.R.Bharath Kumar

For Respondents : Mr.R.S.Selvam
Government Advocate
for R1, R2 and R3
Mr.K.Chandrasekaran
for R4 and R5

ORDER

The impugned orders passed by the District Revenue Officer in proceedings in Pa.Mu.No.4476/2012/J2 dated 18.02.2014 and Pa.Mu.No.176312014/J 2 dated 10.05.2016 are under challenge in this Writ petition.

2. The learned counsel appearing for the Writ Petitioner states that the Writ petitioner is the absolute owner of the lands measuring an extent of 0.26 acres (0.10.5 ares) comprised in Survey No.411/1 situated in Avalapalli Village, Hosur Taluk, Krishnagiri District, originally belonged to his father Late Anjappa. The father of the Writ petitioner purchased the said land through Registered Sale Deed vide document No.1204/1972 dated 02.05.1972 in the office of the Sub-Registrar, Hosur. In respect of grant of patta and UDR corrections, a review petition was filed before the 1st respondent/District Revenue Officer, Krishnagiri. The District Revenue Officer conducted an enquiry and came to a conclusion that a Civil Suit is pending before the competent Civil Court of law and therefore, no such application can be entertained during the pendency of the Civil Suit.

3.The learned Counsel appearing on behalf of the Writ petitioners further states that the Sub-Collector has given a report in his favour, which was not considered by the District Revenue Officer. However, only after conclusion of the Civil litigations now pending between the parties in O.S.No.97 of 2012 on the file of District Munsif Court, Hosur, Krishnagiri District, the review application can be entertained.

4.The Revenue officials are incompetent to adjudicate the title, ownership and possession in respect of the immovable properties. Even in respect of patta proceedings or corrections, the title and ownership can never be adjudicated in such proceedings. Section 3 of the Tamil Nadu Patta Pass-Book Act, 1983 enumerates that the owner is entitled to get Patta Pass-Book in accordance with the provisions of the Act. If he is the owner of the property, then alone he is entitled to submit an application seeking grant of patta, cancellation of patta or for corrections in Revenue records. In the event of any dispute between the parties in respect of title, ownership or possession, the Revenue officials are bound to direct the parties to approach the competent Civil Court of law for adjudicating the title ownership or possession.

5.This being the principles to be followed, this court is of an opinion that a Civil Suit in O.S.No.97 of 2012 is pending before the Civil Court of law. The suit is for declaration of title and for permanent injunction. This being the nature of the suit, it is preferable that all the revenue proceedings

should be kept in abeyance till the conclusion of the Civil litigation between the parties.

6. Accordingly, the impugned orders in Pa.Mu.No.4476/2012/J2 dated 18.02.2014 and Pa.Mu.No.176312014/J2 dated 10.05.2016 and all connected Revenue Proceedings are kept in abeyance till the conclusion of the Civil litigation pending between the parties.

7. Therefore, the Writ petitioners are at liberty to file a fresh application before the competent authorities for grant of patta, cancellation of patta or correction of Revenue records or otherwise in accordance with the provision of acts and rules after the conclusion of the civil disputes. With these observations and directions, this Writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-IV)

// True Copy //

Sub Assistant Registrar

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To

1. District Revenue Officer,
Krishnagiri District,
Krishnagiri.
2. The Sub Collector,
Sub Collector Office,
Hosur, Krishnagiri District.
3. The Tahsildar,
Taluk Office, .
Hosur, Krishnagiri District.

+1cc to Mr.R.Bharathkumar, Advocate SR.No.61918
+1cc to Mr.K.Chandrasekaran, Advocate SR.No.62333
+1cc to Government Pleader SR.No.62160

W.P.No.14642 of 2017

EV (CO)
RMP (25/09/2018)