

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2018

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.29864 of 2014 and
M.P.No.1 of 2014

R.Ramamoorthy

... Petitioner

Vs

- 1.The District Collector,
Kanchipuram District,
Kanchipuram.
- 2.The Tahsildar,
Shollinganallur Taluk,
Kanchipuram District.
- 3.The Head Quarters Deputy
Thasildar, Shollinganallur Taluk,
Kanchipuram District.
- 4.The Village Administrative Officer,
Neelankarai Village, Shollinganallur,
Taluk, Kanchipuram District.
- 5.M/s.Karpagam Packaging Industries,
rep. by its Prop. J.Pushparaj,
S/o.D.Jeyaraj,
3/418, Kuppam Road,
Neelangarai,
Chennai - 600 115.
- 6.M/s.Universal Print Systems (P) Ltd.
Rep. by its whole time Director,
Rakesh Kukillaya,
New No. 2/595, Old No.3/418,
Kuppam Road, Singaravelar Salai,
Neelangarai,
Chennai - 600 041.

.. Respondents

[R6 impleaded vide order of this Court dt.12.09.2018
made in M.P.No.2 of 2014 in W.P.No.29864 of 2014]

Prayer : Writ Petition filed under Article 226 of the
Constitution of India for issuance of a Writ of Mandamus

directing the respondents 1 to 4 herein to issue patta to the 5th respondent for his lands comprised in Survey Nos.82/8 and 82/10 at Neelankarai Village, Sholinganallur Taluk, Kancheepuram District in accordance with his title deeds only as requested by the petitioner in his representation dated 28.08.2014 after following Revenue Standing Orders.

For Petitioner : Mr.C.S.K.Sathish

For Respondents : Mr.A.Shrijayanthi
Special Government Pleader for R1 to R4

: Mr.M.S.Mani for R5 and R6

O R D E R

The relief sought for in the present writ petition is a direction to direct the respondents 1 to 4 herein to issue patta to the 5th respondent for his lands comprised in Survey Nos.82/8 and 82/10 at Neelankarai Village, Sholinganallur Taluk, Kancheepuram District, in accordance with his title deeds only, as requested by the petitioner in his representation dated 28.08.2014, after following the Revenue Standing Orders.

2. The prayer coined in the present writ petition is to issue patta to the 5th respondent, who is also having interest in respect of the property described in the present writ petition.

3. The learned counsel for the writ petitioner raises certain factual disputes in respect of the documents in relation to sale deeds and other revenue proceedings. However, such disputes raised between the parties in respect of civil rights cannot be adjudicated in a writ petition under Article 226 of the Constitution of India.

4. The learned counsel for the writ petitioner urges this Court to peruse those sale deeds and the property schedules mentioned in such sale deeds, to establish that there are certain discrepancies in the claims between the parties.

5. However, this Court cannot ascertain the genuineness of those documents and make findings in this regard. This apart, all such verification of the original documents is to be done before the competent Civil Court of law. This Court cannot go into the genuineness or otherwise, in respect of the documents produced by the writ petitioner, relating to the sale of the immovable properties. All such documents are to be submitted in original, before the Civil Court of law, for adjudication.

6. Now the parties in the lis on hand admitted the fact that

a civil suit has already been filed and now, a second appeal in S.A.No.364 of 2015 is pending before this Court for adjudication. When a civil suit has already been filed and now a second appeal is pending before this Court, this Court is of an opinion that the writ petition cannot be decided on merits. All such issues in relation to the civil rights of the respective parties are to be raised before the Civil Court of law and at present, before this Court, in the said second appeal.

7. This being the factum of the case, the relief as such sought for in this writ petition deserves no consideration. The rights of the parties in respect of grant of patta, cancellation of patta, alteration or modification in the revenue records shall be considered only after the conclusion of the civil disputes. Section 3 of the Tamil Nadu Patta Pass Book Act, 1983 enumerates that the owner alone is entitled for grant of Patta Pass Book. Thus, it is to be established by the person, who approaches the revenue authorities that he is the owner of the property. In the event of any dispute in this regard, then the parties must approach the competent Civil Court of law for resolving the issues and to ascertain their civil rights. Thus, during the pendency of the civil proceedings, the revenue officials are incompetent to entertain any applications in respect of grant of patta or cancellation of patta.

8. With these observations, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mkn/ssr

To

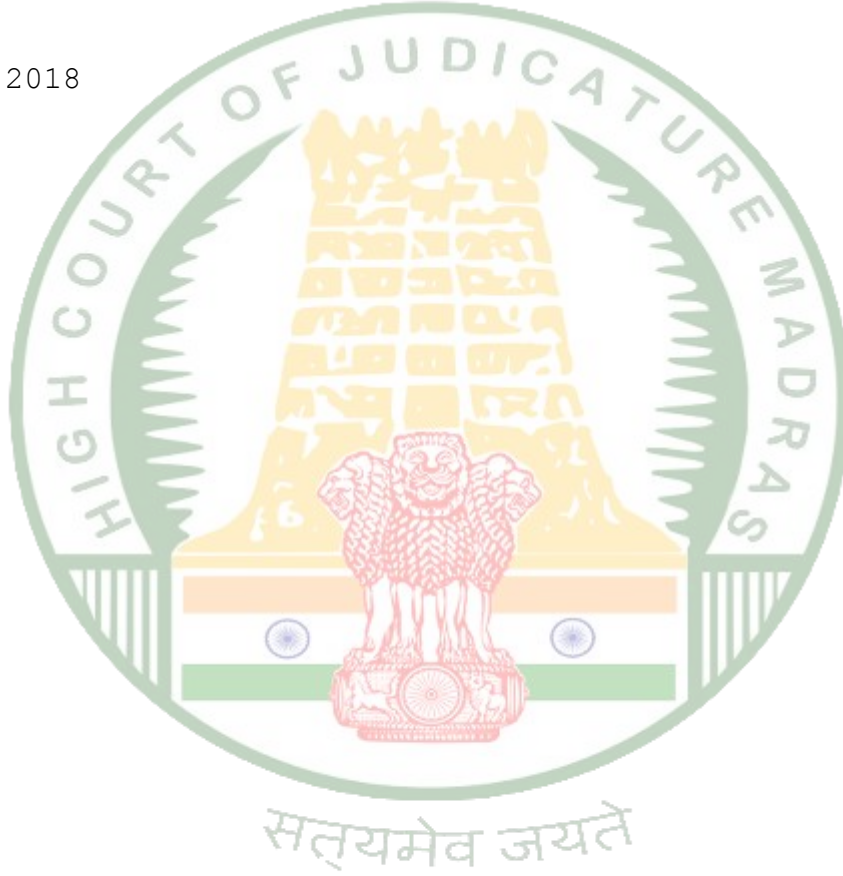
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4.The Village Administrative Officer,
Neelankarai Village, Sholllinganallur,
Taluk, Kanchipuram District.

+1 cc Mr.C.S.K.Sathish, Advocate, SR.No65335
+1 cc to The Government Pleader, SR.No.65829
+3 cc Mr.M.S.Mani, Advocate, SR.No.65409

W.P.No.29864 of 2014 and
M.P.No.1 of 2014

RSI (CO)
CSL/24.10.2018



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