

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 23.08.2018
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.28670 of 2017
and
WMP No.30847 of 2017

S.Rasathi

.. Petitioner

.Vs.

1. District Collector,
Villupuram District.
2. The District Revenue Officer,
Villupuram District.
3. The Revenue Divisional Officer,
Revenue Divisional Office,
Kallakurichi Taluk, Villupuram District.
4. The Tahsildar,
Chinna Salem, Kallakurichi Taluk,
Villupuram District.
5. Elavarasi Rajapriya,
6. S.Ganapathy
7. G.Balamal

.. Respondents

[Respondents 6 & 7 impleaded vide
order dated 23.08.2018 in WMP No.35087/2017)in WP28670/2017.

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Certiorari
Mandamus to call for the impugned 2nd respondent proceedings in
Na.Ka.A3/1203/2017 dated 05.10.2017 quash the same and
consequently direct the respondent to issue patta to the
petitioner with respect to the property bearing S.No.17/5C2 in
Chinna Salem Village, Villupuram District.

For Petitioner : Mr.S.N.Subramani

For Respondents : Mrs. A. Srijayanthi
Spl.Govt.Pleader for R 1 to R 4

: Mr.P.Tamilavel for R 5

: Mr.R.Srinivasalu for R 6 & R 7

O R D E R

The order passed by the District Revenue Officer, Villupuram in proceedings in Na.Ka.A3/1203/2017, dated 05.10.2017, in respect of claim of the writ petitioner to effect corrections in the 'A' register is under challenge in the present writ petition.

2.The petitioner states that he purchased an agricultural land in Survey No.17/5C2 to an extent of 0.06 cents at Chinnaasalem Village, Kallakurichi Taluk, Villupuram District vide Sale Deed Doc. No.4176 of 2013. The Petitioner is in possession and enjoyment of the property and he made an application dated 15.04.2013, to the 3rd respondent for issuance of Joint Patta. The 3rd respondent rejected the case of the writ petitioner and refused to grant patta in favour of the writ petitioner. The petitioner preferred an appeal before the first and the second respondents who conducted an enquiry and passed an order stating that the writ petitioner is entitled for the change of his name in the records. The learned counsel for the 5th respondent states that several proceedings are pending between the parties before the Revenue Officials, and various orders are also passed by the Officials of the Revenue Department. However, the parties in the case on hand admitted that a Civil Suit in O.S. No.5 of 2017 is pending before the Sub Court, Kallakuruchi and the suit is filed for declaration and for permanent injunction. The petitioner as well as the 5th respondent are the parties in the Civil Suit and the suit is pending as of now.

3.Under the provisions of the Tamil Nadu Patta Passbook Act, 1983, the Revenue Officials can issue Patta Passbook in favour of any person who establishes the title, ownership and possession in respect of the immovable property. Section 3 stipulates that the owner of the property is entitled to get a Patta Passbook. Thus in the event of any dispute in respect of title, ownership or possession, the respective parties have to adjudicate the matter before the Competent Civil Court of law. It is pertinent to note that the Revenue Officials are incompetent to adjudicate the title, ownership or possession in respect of the immovable properties, when the Civil Suit is pending before the Competent Civil Court of law. In the event of any dispute between the parties, the Patta Passbook cannot be issued by the Revenue Officials under the provisions of the Patta Passbook Act. This being the legal principles and the scope of the Act, the Revenue Officials cannot entertain the

application for grant of Patta under the Patta Passbook Act.

4. In view of the fact that the Civil Suit is pending, the respective parties have to approach the Civil Court for the purpose of redressing their grievances and only after conclusion of the Civil litigations, either of the parties are at liberty to submit a fresh application for the purpose of grant of Patta under the Patta Passbook Act. The Revenue Officials cannot adjudicate or grant Patta during the pendency of the Civil Suit before the Competent Civil Court of Law. The authorities have no jurisdiction to adjudicate the title or ownership in respect of immovable property.

5. This being the legal principles to be followed, the writ petitioner has to conclude the civil litigations in all respects. The present application submitted for grant of Patta cannot be considered by the Revenue Officials. Thus, the relief as such sought for cannot be granted in the present writ petition.

6. In respect of the present impugned order, undoubtedly the District Revenue Officer has stated that the order passed under proceedings dated 05.10.2017, is subject to the final judgment of the Civil Court in O.S.No.5 of 2017 before the Sub Court, Kallakurichi. However, in the earlier paragraph it is stated that the earlier entries made in the 'A' Register has been cancelled. Therefore, it is necessary for this Court to stay all the Revenue proceedings during the pendency of the Civil litigations between the parties. Thus, the orders passed by the Revenue Officials including the impugned order dated 5.10.2017 are kept in abeyance. The orders passed by the Revenue Officials shall not be implemented during the pendency of the Civil Suit. After concluding the civil litigations, the respective parties are at liberty to submit fresh application for grant of patta, cancellation of patta or for alterations in the Revenue Register. If any such applications are received, the Authorities Competent shall consider the same and pass orders on merits and in accordance with law.

7. The writ petition stands disposed of with the above observations. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

KP

To

1.District Collector,
Villupuram District.

2.Th District Revenue Officer,
Villupuram District.

3.The Revenue Divisional Officer,
Revenue Divisional Office,
Kallakurichi Taluk, Villupuram District.

4.The Tahsildar,
Chinna Salem, Kallakurichi Taluk,
Villupuram District.

+1cc to Mr.S.N.Subramani, Advocate, S.R.No.57802.

+1cc to Mr.P.Tamilavel, Advocate, S.R.No.57565.

+1cc to Mr.M.Balasubramanian, Advocate, S.R.No.57576.

+1cc to the Government Pleader, S.R.No.57876.

W.P.No. 28670 of 2017

EV(CO)

rrs 19/09/2018



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