

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.34785 of 2013

and

M.P.No.2 of 2013

S.Domesan Mudaliar

...Petitioner

Vs.

1.The District Collector
Kancheepuram, Kancheepuram District.

2.The Tahsildar
Kancheepuram, Kancheepuram District.

3.The Sub-Registrar
Wallajahbad, Kancheepuram.

4.N.Nataraja Mudaliar

5.S.Mohanavel Mudaliar

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the second respondent culminated in and by his order in Patta No.205 dated 08.01.2013 and quash the same.

For Petitioner : Mr.B.Singaravelu

For Respondents : Ms.A.Sri Jayanthi, Special Govt. Pleader
[For R1 to R3]
Mr.P.B.Ramanujam [For R4 & R5]

सत्यमेव जयते
O R D E R

The patta proceedings initiated vide patta No.205 dated 08.01.2013 by the second respondent under the provisions of the Patta Pass Book Act is under challenge in this writ petition.

2.The learned counsel appearing for the writ petitioner states that a civil suit in O.S.No. 9 of 2012 between the parties is pending before the Sub Court, Kancheepuram.

3.Admittedly, the civil suit between the parties in respect of the property in question is pending before the competent Civil Court. Section 3 of the Patta Pass Book Act[hereinafter

referred to as "the Act"] unambiguously enumerates that patta shall be granted to the owner of the property. Thus, it is clear that only in the event of establishing ownership by a person submitting application seeking patta, the authority competent can conduct an enquiry and issue Patta Pass Book under "the Act". If any civil suit or otherwise is brought to the notice of the Revenue officials in respect of the ownership, title or possession between the parties, then the competent officials under "the Act" are incompetent to decide the title, ownership or possession of the immovable properties. Adjudication of title or ownership can never be undertaken by the Revenue officials under "the Act". Only in the event of establishing a clear ownership by the applicant, the proceedings under the Patta Pass Book can be entertained. If any objection or otherwise has been received by the competent authorities in this regard, then they should keep all the proceedings in abeyance till the dispute between the parties are resolved through competent Civil Court of Law.

4. In the present writ petition on hand, admittedly, in O.S.No.9 of 2012 is pending. Thus, the 2nd respondent ought not to have issue patta under "the Act". However, the patta issued in favour of the respondents 4 and 5 are contrary to the provisions of "the Act".

5. Under these circumstances, the respective parties are at liberty to approach the competent authorities by filing fresh applications for grant of patta under "the Act" only after the conclusion of the civil proceedings pending before the Civil Court. Till such time, the competent authorities shall not adjudicate any patta proceedings in respect of the immovable property in question in this writ petition.

6. Accordingly, the impugned order issued by the second respondent in proceedings in Patta No.205 dated 08.01.2013 is kept in abeyance till the conclusion of the civil proceedings pending between the parties.

7. With the above direction, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. However there shall be no order as to costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector
Kancheepuram, Kancheepuram District.

2.The Tahsildar
Kancheepuram, Kancheepuram District.

3.The Sub-Registrar
Wallajahbad, Kancheepuram.

+1cc to Mr.B.Singaravelu, advocate sr.no.38435
+1cc to Mr.P.B.Ramanujam, Advocate sr.no.38497
+1cc to Government Pleader in sr.no.38684

W.P.No.34785 of 2013

nr 28/06/2018



WEB COPY