

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26-06-2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.35259 of 2013

And

M.P.No.1 of 2013

Arul

.. Petitioner

Versus

1.The District Collector,
Collector Office,
Vengikkal,
Thiruvannamalai.

2.The Revenue Divisional Officer,
RDO Office,
Anna Salai,
Thiruvannamalai,
Thiruvannamalai District.

3.The Tahsildar,
Taluk Office,
Thiruvannamalai,
Thiruvannamalai District.

4.Thanjammal

.. Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the second and third respondents to cancel the patta (Patta No.526) of the fourth respondent issued for the vacant site (back yard) comprised in New Survey No.181/44 (Old S.No.181/6) to the extent of 0.01.12 Ares situated at Kulathumedu, Vadapuluthiyur Village, Maruthuvambadi Post, Thiruvannamalai Taluk and District and consequently to issue a fresh patta to the petitioner to the abovesaid vacant site.

For Petitioner : Mr.K.L.Sekar

For Respondents-1 to 3: Mr.M.Elumalai,
Government Advocate.

For Respondent-4

: Mr.P.Mani

ORDER

The relief sought for in this writ petition is to call for the records in relation to the patta granted in favour of the fourth respondent and quash the same.

2. The learned counsel, appearing on behalf of the writ petitioner, states that the writ petitioner is the absolute owner of the property comprised in New Survey No.181/25 (Old Survey No.181/6) to the extent of 1308 square feet from one Chinnammal, wife of Anthony. The Sale Deed was registered before Sub Registrar Office, Kalasappakkam , Thiruvannamalai District.

3. The grievance of the writ petitioner is that the patta was granted in favour of the fourth respondent in respect of the land belongs to him. First of all, under the provisions of the Patta Pass Book Act, against an order passed by the Tahsildar, there is an appeal under Section 12 of the Act and the same is to be preferred before the Revenue Divisional Officer.

4. However, in the present writ petition on hand, it is informed by the learned Government Advocate, appearing on behalf of the respondents 1 to 3, that the fourth respondent has already filed a civil suit in O.S.No.215 of 2010 before the Principal District Munsif Court, Thiruvannamalai. The suit filed by the fourth respondent had been decreed in favour of the fourth respondent and the appeal filed by the writ petitioner is pending before the Sub Court, Thiruvannamalai.

5. Thus, this Court is of an opinion that the title, ownership and possession of the property have to be established before the competent Civil Court of Law by the respective parties. Already, a civil suit had been instituted by the fourth respondent and a decree was passed in favour of the fourth respondent, against which the writ petitioner has preferred an appeal before the Sub Court, Thiruvannamalai.

6. This being the factum of the case, the Revenue Officials cannot adjudicate the title with ownership nor grant any patta or otherwise during the pendency of this civil litigation. Under these circumstances, the writ petitioner has to adjudicate the issues before the Appellate Court in the civil proceedings and only after the conclusion of the civil proceedings, the writ petitioner is at liberty to approach the Revenue Officials under the provisions of the Patta Pass Book Act.

7. With these observations, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

Svn

To

- 1.The District Collector,
Collector Office,
Vengikkal,
Thiruvannamalai.
- 2.The Revenue Divisional Officer,
RDO Office,
Anna Salai,
Thiruvannamalai,
Thiruvannamalai District.
- 3.The Tahsildar,
Taluk Office,
Thiruvannamalai,
Thiruvannamalai District.

+1cc to Mr.P.Mani, Advocate sr.no.40492
+1cc to Government Pleader in sr.no.40889

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nri(co)
nr 09/07/2018

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