IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :12.06.2018
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.40538 of 2016
and
WMP.Nos.34553 and 34554 of 2016

N.Narayana Reddy ..Petitioner

vs

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

2.The Sub Collector- Hosur,
Sub Collector Office,
Hosur Town and Taluk.

3.The Tahsildar,
Denkanikottai Taluk Office,
Denkanikottai.

4.C.Suresh Babu .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records and to quash the order passed by the 1st respondent in his proceeding Pa.Mu.20508/2015/J2 dated nil 09.2016, signed on 22.09.2016 and to restore the subject matter of agricultural properties comprised in S.No.177,179 and 193 in the name of the petitioner family in Patta No.617 situated at Thandarai Village, Hosur Taluk, Krishnagiri District.

For Petitioner : Mr.R.Krishna Ravindran
for M/s.P.Dinesh Kumar

For Respondents 1 & 3: M/s.A. Sri Jayanthi,
Special Government Pleader

For R4 : Mr.R.Soundara Rajan

O R D E R

The order passed by the first respondent / District Revenue Officer, Krishnagiri in proceedings dated 22.09.2016 is under challenge in this writ petition.

2. The grievance of the writ petitioner is that the fourth respondent filed an application seeking grant of patta before the Tahsildar, Denkanikottai and the same was rejected. Challenging the same, the fourth respondent preferred an appeal before the District Revenue Officer, Krishnagiri and the same was allowed. Challenging the said order, the present writ petition has been filed.

3. The learned counsel appearing on behalf of the writ petitioner made a submission that the civil litigations in Second Appeal Nos.186 of 2012, 738 of 2012 and 215 of 2013 are pending before this Court. Unless the rights of the parties in respect of the title and ownership are decided in the Second Appeals, the fourth respondent cannot claim patta in his favour. The first respondent has erroneously adjudicated the title and ownership of the fourth respondent and granted possession. Such a proceeding issued during the pendency of the civil litigations is untenable.

4. The learned counsel appearing on behalf of the writ petitioner further states that in the event of allowing this order to be implemented, there will be a law and order problem and further it would be difficult for the parties to settle the issues before the civil litigations, which are now pending before this Court in Second Appeal Nos.186 of 2012, 738 of 2012 and 215 of 2013.

5. This court is of an opinion that the Revenue Officials, under the provisions of the Patta Passbook Act, are not empowered to decide the title and ownership of the immovable properties. If there is no dispute in title or ownership or otherwise, the same are to be adjudicated before the competent civil court of law under the provisions of the Code of Civil Procedure. Contrarily, the Revenue Officials cannot decide the title in respect of the properties. If the title is established before the Revenue Officials namely, Tahsildar or District Revenue Officer, then alone, they are competent to issue patta or not to grant patta. Contrarily, they cannot go into the issue in connection with the title or ownership. The very provision in Patta Passbook Act states that the person who is approaching the Tahsildar for grant of patta should establish the title and ownership. That does not mean that the adjudication can be extended for the purpose of scrutinising the

title documents. If the title and ownership and possession are established prima facie through the documents, then the authorities are competent to grant patta. If there is any serious objection in respect of the title or ownership, or civil litigations are pending before civil courts, then no such proceedings can be entertained and all such proceedings are to be kept under abeyance till the final orders are issued in the civil litigations. In the event of granting patta, during intermittent period when the civil litigations are pending, it will not only create chaos but also create law and order problem amongst parties concerned. Then, the Revenue Officials must be cautious in respect of entertaining the applications for grant of patta under the Patta Passbook Act during the pendency of the civil litigations before the competent civil court of law.

6. This being the principles to be followed, this Court is of an opinion that all patta proceedings either before the Tahsildar or before the District Revenue Officer are to be kept abeyance till the Second Appeal pending before the High Court is disposed of in all respects. Accordingly, the order passed by the Tahsildar and the District Revenue Officer in proceedings dated 22.09.2016 are kept in abeyance. The respective parties including the writ petitioner and the fourth respondent are at liberty to submit a fresh application after disposal of the civil litigations pending before the courts.

7. In the event of submitting such application after the disposal of the civil litigations, then the competent authorities are at liberty to consider the same in accordance with the provisions contemplated under the Patta Passbook Act and by conducting an enquiry.

8. With these observations, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

lok

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

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

2.The Sub Collector- Hosur,
Sub Collector Office,
Hosur Town and Taluk.

3.The Tahsildar,
Denkanikottai Taluk Office,
Denkanikottai.

+1cc to Government Pleader SR.No.37908
+1cc to Mr.P.Dineshkumar, Advocate SR.No.36789

GSP:20.6.2018

W.P.No.40538 of 2016