

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.08.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 458 of 2016

E.G.Durairajan

..Petitioner

vs

1. The District Collector,
Collectorate,
Kancheepuram District.

2. The Tahsildar,
Thirukalukundram Taluk Office,
Thirukalukundram,
Kancheepuram District.

3. E.G.Arumugam

4. K.Mallika

5. K.Vedagiri

6. G.Geetha

7. K.Seetha

8. K.Murugan

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd Respondents to issue patta in petitioner's name for the properties in S.F.Nos.234/1, 234/2, 234/3 & 234/4 in Pakkam Village by considering his representation dated 03.11.2014.

For Petitioner : Mrs.R.Shase for Mr.M.Guruprasad
For Respondents : Mrs.A.Sri Jayanthi
Special Government Pleader
for R1 & R2.

Mr.V.Jaisankar for R3 to R5, R7 & R8.

No Appearance for R6.

O R D E R

The relief sought for in this writ petition is for a direction to direct the 2nd respondent to issue Patta in the petitioner's name for the properties in in S.F.Nos.234/1, 234/2, 234/3 & 234/4 in Pakkam Village.

2. The grievance of the writ petitioner is that they submit a representation to the 2nd respondent / Tahsildar, Thirukalukundram Taluk Office, Thirukalukundram, Kancheepuram District on 03.11.2014 and the same has not been considered for grant of Patta.

3. The grant of Patta can be considered under the Patta Passbook Act, 1983. Section 3 of the Patta Passbook Act stipulates that the owners of the property can submit an application for grant of patta passbook. In the event of submitting such application along with all necessary documents, the competent authority namely the Tahsildar, shall consider the same by conducting an enquiry by affording all reasonable opportunities to the parties concerned and take a decision and pass orders. It is made clear that in the event of any dispute in respect of title, ownership or possession, the revenue officials have no jurisdiction to adjudicate the title or ownership. In the event of any such dispute, the parties are to be directed to approach the competent Civil Court of law for the purpose of getting a declaration of title or ownership or possession.

4. The learned Special Government Pleader appearing on behalf of the official respondents made a submission that the title in respect of the property in question is disputed by the respondents 4 to 8 and the Civil Suit in O.S.NO.56 of 2016, is now pending before the District Munsif cum Judicial Magistrate, Thirukalukundram.

5. In view of the fact that the civil suit is pending, the revenue officials cannot entertain the application for grant of Patta under the Patta Passbook Act.

6. 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.

7. 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.

8. The writ petition stands dismissed with the above observation. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

sk/vv2

To

1. The District Collector,
Collectorate,
Kancheepuram District.

2. The Tahsildar,
Thirukalukundram Taluk Office,
Thirukalukundram,
Kancheepuram District.

+1 CC to Mr.M. Guruprasad, advocate sr 55078.

+1 CC to Govt. Pleader sr 55053.

+1 CC to Mr.V. Jayaprakash Narayanan, Advocate sr 54628.

W.P.No.458 of 2016

SSI (CO)
SP(12/09/2018)

सत्यमेव जयते

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