

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2019

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A. No. 2091 of 2018

M. Rameshbabu

..Appellant

Vs.

1. S. Kamalahasan

2. The District Collector,
Thiruvallur District at Thiruvallur.

3. The Revenue Divisional officer,
Tiruttani, Thiruvallur District.

4. The Tahsildar,
Tiruttani Taluk,
Thiruvallur District.

..Respondents

Prayer: Writ Appeal as against the order dated 10.08.2018 in
W.P. No. 8092 of 2017.

W.P.No.8092 of 2017 : Writ Petition filed under Article 226 of
the Constitution of India praying for the issuance of a Writ of
Mandamus, forbearing the respondents 1 to 3 herein from
proceeding further on the Patta Transfer application of the
4th respondent in respect of the lands comprised in Survey
No.221/13 measuring 1.03.5 hectares situated at Thumbikulam
hamlet of Thazhavedu Village Tiruttani Taluk Tiruvallur
District till the civil suit in O.S.No.212 of 2015 on the file
of Principal District judge at Tiruvallur is decided on merits.

For Appellant :: Mr.C. Prakasam

For Respondents :: Mr.K. Premkumar for R1
Mr.J. Pothiraj
Special Govt. Pleader for
R2 to R4

ORDER

(Order of the Court was made by N. KIRUBAKARAN, J.)

The appeal has been preferred against the order of the learned Single Judge who allowed the writ petition filed by the 1st respondent prohibiting respondents 2 to 4 from proceeding further on the patta transfer application of the appellant in respect of the land comprised in S.No. 221/13 measuring 1.03.5 hectares situated at Thumbikulam, hamlet of Thazhavedu Village, Tiruttani Taluk, Thiruvallur District till the Civil Suit in O.S. No. 212 of 2015 on the file of Principal District Judge, Thiruvallur, is decided on merits.

2. It is the case of the appellant that he is the owner of the property comprised in S.No. 221/13 measuring 1.03.5 hectares situated at Thumbikulam, hamlet of Thazhavedu Village, by virtue of sale deeds dated 15.02.1966. However, by forging the appellant's father's signature, relinquishment of right in respect of the property was obtained by the 1st respondent's father. Having obtained such relinquishment fraudulently, patta has been obtained in the name of the 1st respondent's father. Therefore, the appellant gave a representation to the revenue authorities to change the patta in the name of the appellant in respect of the aforesaid property. Aggrieved over that, the 1st respondent filed the writ petition. Taking note of the pendency of the civil suit filed by one Rajendran, the appellant's uncle, i.e., appellant's father's brother, the learned Single Judge observing that the revenue authorities have got no power to adjudicate the disputes with regard to the title of the property, directed the parties to adjudicate the issues in the civil proceedings.

3. The said finding given by the learned Single Judge cannot be found fault with. Admittedly, there is a civil Suit in O.S. No. 212 of 2015 on the file of the Principal District Judge, Thiruvallur, for partition of all the properties including the disputed property which is finding place as 18th property in the schedule of the suit. As rightly pointed out by the learned Single Judge, the revenue authorities cannot decide about the title of the property. Therefore, the official respondents cannot proceed with the application for change of patta or cancellation of patta given by the appellant. Therefore, the appeal fails and the same is dismissed. No costs.

4. Taking into consideration that the suit is pending from 2015 onwards, this Court could only direct the learned Principal District Judge, Thiruvallur to dispose of the suit at the earliest. Thereafter, the parties are at liberty to approach

the revenue authorities for appropriate relief. Till the conclusion of the civil proceedings, the patta proceedings shall be kept in abeyance.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Thiruvallur District at Thiruvallur.

2. The Revenue Divisional officer,
Tiruttani, Thiruvallur District.

3. The Tahsildar,
Tiruttani Taluk,
Thiruvallur District.

+1 cc to M/s.C.Prakasam,Advocate Sr.No. 91397
+1 cc to M/s.K.Premkumar, Advocate SR.No.91413
+1 cc to The Government Pleader Sr.No.91515

AKM/06.12.19/3P-7C /

W.A. No. 2091 of 2018

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