



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P. (MD) .No.4260 of 2016

and

W.M.P. (MD) .No.3796 of 2016

1.L.Rajendran
2.Athinamilaki
3.Maniarasan
4.Seethai @ Seethaiammal
5.Sagunthala
6.Gowshalya

.. Petitioners

Vs.

1. The Revenue Divisional Officer,
Devakottai, Sivagangai District.

2.L.Ramanathan

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, forbearing the 1st respondent from proceeding with the enquiry in pursuance to his notice made in Na.Ka.A1/3547/2015, 11.09.2015 till the disposal of the suit made in O.S.No.61/14 and O.S.No.48/15 on the file of the District Munsif Court, Tirupathur.

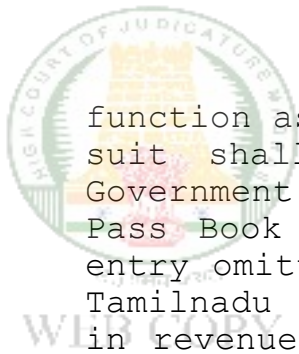
For Petitioners : Mr.D.Sadiq Raja

For Respondents : Mr.C.Ramar for R1
Additional Government Pleader
M/s.F.Jessi Jeeva Priya for R2

ORDER

This writ petition is filed for issuing a Writ of Mandamus forbearing the 1st respondent from proceeding with the enquiry in pursuance to the notice issued by the first respondent, dated 11.09.2015 till the disposal of the suit made in O.S.No.61/14 and O.S.No.48/15 on the file of the District Munsif Court, Tirupathur.

2.The dispute is relating to the title of the property. Though the Civil Court is seized of the matter, jurisdiction of Court is barred to prevent the authorities from exercising their



function as per Section 14 of the Tamilnadu Patta Pass Book Act. No suit shall lie against the Government or any officer of the Government in respect of a claim to have an entry made in any Patta Pass Book that is maintained under this Act or to have any such entry omitted or amended. In short, the power of authorities under Tamilnadu Patta Pass Book Act to deal with modification of entries in revenue records in accordance with the provisions of Patta Pass Book Act cannot be curtailed by the Civil Court. It is true that the Civil Court has absolute power and exclusive jurisdiction to decide the question of title and the revenue officials are under legal obligation to modify the entry in the Patta Pass Book following the declaration of any one's right under Chapter VI of Specific Relief Act 1963. However, the authority under the Patta Pass Book Act cannot be restrained from performing their official duty as contemplated under Tamilnadu Patta Pass Book Act during the pendency of the suit.

3. Therefore, the writ petition is devoid of merits and dismissed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

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/ /2020

Sub Assistant Registrar(CS)

TM
To

The Revenue Divisional Officer,
Devakottai, Sivagangai District.

+1 CC to Mr.D.SADIQ RAJA, Advocate (SR-7442[F] dated 20/02/2020)

+1 CC to SPL.GP (SR-7526[F] dated 21/02/2020)

+1 CC to M/s.P.JESSI JEEVA PRIYA, Advocate (SR-7722[F] dated 21/02/2020)

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VB(27.02.2020) 2P 5C