



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2021

CORAM : JUSTICE N.SESHASAYEE

W.P.No.2229 of 2021
and WMP.Nos.2523 & 2526 of 2021

1.B.Gokulakrishnan
2.B.Kamarajan
3.B.Gandhi

... Petitioners

Vs

1.The District Collector
Tiruvallur District.
2.The District Revenue Officer
Tiruvallur District.
3.The Sub Collector Tiruvallur
Revenue Divisional Office Campus
Tiruvallur District.
4.The Tahsildhar
Tiruvallur Taluk
Tiruvallur District.
5.N.Arjunan
6.E.Gajendran

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to direct the respondents to call for the records relating to the appeal proceedings of the second respondent in his Order in appeal Na.Ka.2557/2019/No.2, dated 19.12.2020 which confirming the proceedings of the third respondent in Na.Ka.3252/2018/A5 dated 03.01.2019, and quash the same and direct the respondents 1 to 4 to maintain the status quo.

For Petitioners : Mr.M.Krishnamurthy

For Respondents : Mr.S.N.Parthasarathi
Government Advocate



ORDER

The present petition is filed challenging the order of the District Revenue Officer / second respondent, where under he confirmed the earlier proceedings of the Sub Collector, Tiruvallur / third respondent dated 03.01.2019.

2. The learned counsel for the petitioners submitted that there is a civil suit pending in O.S.No.323/2018 on the file of the I Additional District and Sessions Court, Tiruvallur, which was laid by the respondents 5 and 6 in this writ petition. The said suit is laid for partition and separate possession and for certain other ancillary reliefs. In that suit the petitioners herein are arrayed as defendants 9 to 11. He submitted that during the pendency of the suit proceedings, the Revenue Divisional Officer, Tiruvallur, the second respondent herein ought not to have passed the impugned order, confirming the order of the third respondent/Sub Collector, cancelling the patta that stood in the name of the petitioners' father, especially when the Revenue Officials such as the District Collector, Tiruvallur District and the Tahsildar, Tiruvallur were also arrayed as defendants 14 and 15 in the said suit.

3. Mr. S.N. Parthasarathi, learned Government Advocate who took notice for the respondents 1 to 4, took this Court to Page No.127 of the typed set of papers filed by the petitioners. This page relates to online case status of the suit in O.S.No.323/2018. As per this, the suit was laid on 17.09.2018 and was taken on file on 19.09.2018. It is not adequately known when exactly the summons in this case was served on the petitioners, but the copy of the written statement filed in the petition bears the date as 28.03.2019. The petitioners have filed certain representation before the Revenue Divisional Officer, Tiruvallur for cancellation of patta on 23.02.2018. Even prior to the institution of the suit, Arjunan, who is arrayed as the fifth respondent herein appeared to move the Sub Collector, Tiruvallur, with his application dated 22.03.2018 for cancellation of patta. It is thereafter, the fifth and the sixth respondents herein joined together and laid the suit in O.S.No.323/2018. During the pendency of the suit, the Sub Collector, Tiruvallur, passed an order cancelling the patta, which is now confirmed by the District Revenue Officer/second respondent Vide his impugned proceedings dated 19.12.2020.

4. Couple of facts are evident. Firstly, the fifth respondent having filed his representation on 22.03.2018, has also moved the appropriate civil Court for a remedy. When the civil suit is pending, it is important that the Revenue Divisional Officer was alerted about the pending of the civil suit by the very plaintiff, who has the knowledge about the



pendency of the civil suit. It is not adequately known whether the third respondent /Sub Collector knew about the pendency of the suit when he passed the proceedings dated 03.01.2019. So far as the District Revenue Officer/second respondent's order is concerned, it is the petitioners who have moved the District Revenue Officer, during the pendency of the very suit. Therefore, in fitness of things, neither the petitioners nor the private respondents appear to have taken the civil suit seriously in which they are the parties too, before the District Revenue Officer, Tiruvallur, when they wanted to work out certain remedies.

5. The law is settled. The patta is not a document of title, but it is only a document that enables identification of the land owners for the purpose of collecting revenue. In these circumstances, taking the law that has been settled, this Court is of the considered view that the petitioners are at liberty to approach the District Collector, (the 14th defendant in O.S.No.323/2018) to work out their remedies. The District Collector, Tiruvallur, the first respondent herein will dispose of the same uninfluenced by the proceedings of the District Revenue Officer / second respondent. If there is any dispute as to who is in possession, then the petitioners are well advised to resolve that dispute even before the trial Court. The petitioners also have the liberty to move for such appropriate interim protection in this regard, and the trial Court may decide these issues as and when they crop up before it, again as already indicated, uninfluenced by the impugned order.

6. This Court accordingly dispose of this petition in the manner indicated. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ds
To:

1.The District Collector,
Tiruvallur District.

2.The District Revenue Officer,
Tiruvallur District.



3.The Sub Collector Tiruvallur,
Revenue Divisional Office Campus,
Tiruvallur District.

4.The Tahsildhar,
Tiruvallur Taluk,
Tiruvallur District.

+lcc to M/s.M.Krishnamoorthy, Advocate Sr.6626
+lcc to the Government pleader Sr.6680

W.P.No.2229 of 2021

gp[col]
srg 31/03/2021