



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2021

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and

THE HON'BLE MS.JUSTICE R.N.MANJULA

W.A.No.1226 of 2021
and C.M.P.Nos.7835 & 7837 of 2021

S.Kumar

...Appellant

versus

1.The District Revenue Officer,
Office of the District Revenue Officer,
Coimbatore - 641018.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Coimbatore - 641030.

3.V.Ravikumar

...Respondents

Prayer: Writ Appeal is filed under Clause 15 of the Letters Patent, against the Order of this Court passed in W.P.No.2999 of 2021 dated 15.02.2021 on the file of this Hon'ble Court.

W.P.No.2999 of 2021:Petition filed under Article 226 of The Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent, DRO to expedite the appeal filed by the petitioner herein on 19.01.2021 within the time frame fixed by this Court and reverse the entries ante as it stood on 29.12.2020 till the termination of Civil Suit instituted by the petitioner in O.S.No.610 of 2019 on the file of the V Additional District Court, Coimbatore.

For Appellant .. Mr.M.Aravind Subramanyam

For Respondents .. Mr.S.John J.Raja Singh
Government Advocate [R1& R2]
Mr.S.Gopinathan [R3]



JUDGMENT

(Judgment of the Court was made by M.M.SUNDRESH, J.)

WEB COPY This intra-Court Writ Appeal has been directed against the order of the learned single Judge dated 15.02.2021 in W.P.No.2999 of 2021.

2. The appellant is the writ petitioner. He sought for a direction to the first respondent to expedite the appeal preferred by him and pending with him dated 19.01.2021 in regard to effect reverse entries in the Patta as stood prior to mutation, till the disposal of a civil suit filed by the petitioner.

3. The learned Judge, after taking note of the total pendency of the appeals pending before the first respondent and the appeal was filed by the appellant only on 19.01.2021, was not inclined to accord any undue preference in regard to the appeal of the appellant than others who were in queue for disposal of their appeals and as such, directed the first respondent to dispose of the appeal within a period of 9 months from the date of receipt of a copy of the order.

4. We do not find any infirmity in the said order. It appears that after filing the appeal on 19.01.2021, the appellant immediately, within a fortnight, rushed to this Court and filed Writ Petition on 02.02.2021. The only apprehension expressed on behalf of the appellant is that even though a civil suit in O.S.No.610 of 2019 filed by the appellant seeking declaration of his title over the disputed property, without awaiting the outcome of the suit, the 2nd respondent had altered the names in the patta and taking advantage of the same, the 3rd respondent may act upon and he may be dispossessed from the property.

5. Law is well settled that patta is not a document of title which will not create or extinguish title over the property and the Revenue officials can act upon it and decide the title. Admittedly, a civil suit for declaration and permanent injunction in O.S.No.610 of 2019 is pending on the file of V Addl.Disrict Munsif Court, Coimbatore. In such view of the matter, we feel it appropriate to direct the learned V Addl.District Munsif to dispose of the suit within a period of six months from the date of receipt of a copy of this order. It is needless to state that the said suit will have be decided on its own merits without taking note of the mutation in the revenue records, particularly, based on patta as done in the proceedings of the Revenue District Officer dated 29.10.2020.



The respondent No.1 shall await the decision of the Civil Suit before passing appropriate orders.

6. With the above observation, the Writ Appeal is disposed of. No costs. Consequently, connected CMPs are closed.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

suk/sni

To

1.The V Additional District Munsif,
Coimbatore.

2.The District Revenue Officer,
Office of the District Revenue Officer,
Coimbatore - 641018.

3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Coimbatore - 641030.

+1cc to Mr.M.Aravind Subramaniam, Advocate, Sr.No.33244
+1cc to Government Pleader, sr.No.33523

W.A.No.1226 of 2021

JPL(CO)
KKV/30/07/2021