



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.05.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.13311 of 2022

Kasthuri

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Villupuram Division,
Villupuram District.

2. The District Registrar,
Thindivanam,
Villupuram District.

3. The Tahsildar,
Vanoor Taluk,
Villupuram District.

4. The Sub-Registrar,
Vanoor Taluk,
Villupuram District.

5.Kaliyaperumal

6.Mannangatti

7.R.Thangarasu

... Respondents

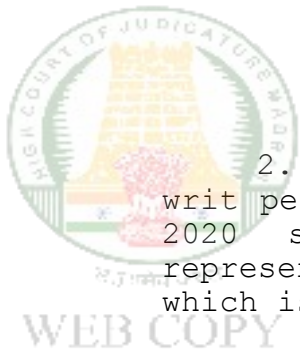
Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st and the 3rd respondent to cancel the patta stands in the name of the 7th respondent.

For Petitioner : Mr.K.Thenrajan

For R1 - R4 : Mr.P.Balathandayutham
Special Government Pleader

O R D E R

The relief sought for in the present writ petition is to direct the respondents 1 and 3 to cancel the patta.



2. The learned counsel for the petitioner states that the writ petitioner earlier filed a writ petition in W.P.No.15702 of 2020 seeking for a Writ of Mandamus to consider her representation dated 04.08.2020. This Court has passed an order, which is as follows :

"Taking into consideration, the facts and circumstances of the case and the limited relief sought for in this Writ Petition, there shall be a direction to the 2nd respondent to consider the representation made by the petitioner on 4.8.2020 and conduct an enquiry by issuing notice to all the interested persons and pass appropriate orders strictly in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the 2nd respondent along with all the relevant documents and also a copy of this order."

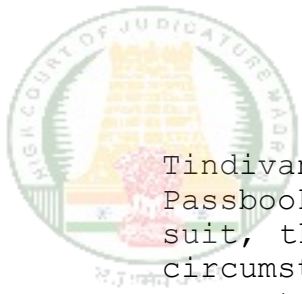
3. The grievance of the writ petitioner is that the Civil Suit instituted in O.S.No.7 of 2020 on the file of the Additional District Court, Tindivanam for partition is pending. During the pendency of the suit, the patta granted in the name of the 5th respondent has been taken undue advantage of.

4. It is contended that the original patta stood in the name of the father of the writ petitioner and even now, she made a request to grant joint patta in the name of the legal heirs. Contrarily, the 5th respondent has taken undue advantage and obtained a patta, which causes prejudice to the interest of the other legal heirs, more so, during the pendency of the Civil Suit for partition.

5. The learned Special Government Pleader appearing for the officials respondents made a submission that the petitioner made an application for grant of joint patta and in the said application, enquiry is being conducted by the 1st respondent/Revenue Divisional Officer (RDO), Villupuram District.

6. The question arises, whether the revenue authorities are empowered to conduct an enquiry during the pendency of the civil suit between the parties. In this regard, the learned Special Government Pleader made a submission that the petitioner has failed to disclose the pendency of the civil suit pending before the competent authority, which resulted in conduct of enquiry by the official respondents.

7. However, the fact remains that the civil suit filed in O.S.No.7 of 2020 on the file of the Additional District Court,



Tindivanam for partition is pending. The provisions of the Patta Passbook Act stipulates that during the pendency of the civil suit, the revenue authorities cannot decide the dispute. In such circumstances, the revenue authorities are bound to ask the respective parties to approach the Civil Court for appropriate relief or keep the proceedings in abeyance till the crystallization of the rights of the parties before the Competent Civil Court. This being the scope of the provisions of the Patta Passbook Act and when the civil suit is pending before the competent court of law, the revenue authorities are not empowered to conduct an enquiry and pass orders regarding grant of patta, cancellation of patta or mutation of revenue records. Only after resolving the civil dispute between the parties, either of the parties is at liberty to approach the competent revenue authorities by filing an application for grant of patta, cancellation of patta or mutation of revenue records. Even the suit for partition is instituted for crystallization of the rights between the parties. Thus, the revenue authorities cannot proceed with the enquiry.

8. In the event of allowing the revenue authorities to decide the application for grant of patta, cancellation of patta or mutation of revenue records, the rights of the parties would be prejudiced and there is a possibility of further confusion or dispute based on such revenue orders.

9. This being the principles to be followed, this Court is inclined to consider the writ petition. Accordingly, the respondents 1 and 3 are directed to keep all the revenue proceedings in abeyance till the finalization of the civil proceedings between the parties. After reaching finality in respect of the rights of the parties, either of the parties is at liberty to approach the competent revenue authority by filing an application for grant of patta, cancellation of patta or mutation of patta, as the case may be, by following the procedures as contemplated under the Act and Rules.

10. With these directions, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sp/nv



To

1. The Revenue Divisional Officer,
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Villupuram District.

2. The District Registrar,
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Villupuram District.

3. The Tahsildar,
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+1cc to Mr.K.Thenrajan, Advocate, S.R.No.31876

W.P. No.13311 of 2022

SR(CO)
CT/16/06/2022