IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.05.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P. No.13172 of 2022
and
W.M.P.No.12506 of 2022

C.Deivannai ... Petitioner

Vs.

1. The Revenue Divisional Officer,
Madharasa Road, Super Nagar,
Perambalur 621 212.

2. The Tahsildar,
Madharasa Road, Super Nagar,
Perambalur 621 212.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the second respondent to not to mutate the revenue records pertaining the property situate at S.No.38/4, 43/1, 43/3, 43/5, 38/4F, 38/4A1, 38/4A2, 125/14, 96/1A, 53/2, 233/3B, 39/4, 328/4A, 43/6, 328/4, Thuraimangalam Village, Perambalur District in favour of any third-party pending disposal of the suit in O.S.No.390/2004 on the file of the District Munsif Court, Perambalur.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mrs.V.Yamuna Devi
Special Government Pleader

O R D E R

The relief sought for in this Writ Petition is to direct the second respondent not to mutate the Revenue records pertaining to the property situate at S.No.38/4, 43/1, 43/3, 43/5, 38/4F, 38/4A1, 38/4A2, 125/14, 96/1A, 53/2, 233/3B, 39/4, 328/4A, 43/6, 328/4, Thuraimangalam Village, Perambalur District in favour of any third-party pending disposal of the suit in O.S.No.390/2004 on the file of the District Munsif Court, Perambalur.

2. The apprehension of the writ petitioner is that during the pendency of the Civil Suit in O.S.No.390 of 2004, the Revenue authorities are initiating steps to mutate the Revenue records. With the said apprehension, the petitioner has chosen to file the present Writ Petition.

3. The mere apprehension in this regard would not provide any cause for granting the relief. No doubt, the Revenue authorities need not pass any orders during the pendency of the Suit, regarding the dispute between the parties. In otherwords, if a Civil Suit is pending regarding the title, ownership, possession, etc., the Revenue authorities need not issue Patta or mutate the revenue records and only after the disposal of the civil case, such actions are to be initiated. However, the present Writ Petition has been filed, merely on the basis of apprehension and therefore, no further consideration is required. It is made clear that the Revenue authorities have to wait for the orders from the Civil Court for the purpose of initiating further action. This Court also held in W.P.No.9215 of 2013 dated 23.10.2017 as follows:

> '17. Thus, it is made clear that when the title regarding the property is sub judice before the competent civil court, the Tahsildar/Appellate Authority cannot go into the question regarding the title of the property. Accordingly, no application needs to be entertained either for grant of patta or modification of revenue records in this regard. Thus, the order passed by the Revenue Divisional Officer in proceedings dated 25.03.2013 is quashed and the writ petitioner as well as the other contesting respondents are at liberty to adjudicate the matter before the competent civil Court in O.S.No.189 of 2012 in respect of title of the property. Only after attaining finality in civil litigations the application seeking grant of patta or modification shall be entertained.
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> 18. The learned counsel for the writ petitioner made a submission that civil suit in O.S.No.189 of 2012 is still pending. The parties to the dispute is not permitted to take any advantage in respect of the orders passed by the Tahsildar/Appellate Authority under the patta pass book Act till the civil suit which is pending before the competent Court in O.S.No.189 of 2012, attains

finality.

19. With these observation, this writ petition stands allowed. Consequently, the connected Miscellaneous Petition is also closed. However, there shall be no order as to costs.'

4. In view of the fact that the Tamil Nadu Patta Passbook Act, 1983 itself contemplates that, in the event of civil dispute between the parties, the Revenue authorities need not entertain application for grant of Patta, cancellation of patta or mutation of Revenue records. The respondents are expected to wait till the disputes reach finality between the parties.

5. With the above observations, this Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(Vacation Officer)

//True Copy//

Sub Assistant Registrar

jd/mrn

To

1. The Revenue Divisional Officer,
Madharasa Road, Super Nagar,
Perambalur 621 212.

2. The Tahsildar,
Madharasa Road, Super Nagar,
Perambalur 621 212.

+2ccs to Mr.V.Raghavachari, Advocate, S.R.No.31604

+1cc to the Government Pleader, S.R.No.31669

W.P. No.13172 of 2022
and
W.M.P.No.12506 of 2022

SS(CO)
SU(24/05/2022)