IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.05.2022

CORAM

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P. No. 13268 of 2022
&
W.M.P. No. 12568 of 2022

C. Vasanth Kumar ..Petitioner

Vs.

1. The Collector,
Tiruvallur, Tiruvallur District.

2. The Revenue Divisional Officer,
Ponneri Taluk,
Tiruvallur District.

3. The Tahsildar,
Ponneri Taluk,
Tiruvellore District.

4. Dayalan Naidu
5. D. Harish
6. D. Rajesh
7. S. Jaffer Hussain ..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Certiorari to call for the records of the 2nd respondent in his proceedings Na.Ka.183/2022/A4 dated 09.05.2022 and to quash the same.

For Petitioner : Mr.G. Jeremiah for
Mr.P. Chandrasekar

For Respondents: Mr.V. Jeevagiridharan
Addl. Govt. Pleader for
R1 to R3
Mr.P. Valliappan for
Mr.C.V. Shailandhran for
R4 to R6

O R D E R

The order issued regarding cancellation of patta in proceedings dated 09.05.2022 is under challenge in this writ petition.

2. The petitioner states that he is the absolute owner of the subject property described in the impugned order.

3. The learned counsel appearing on behalf of the contesting respondents, namely, respondents 4 to 6 reiterated that they are also claiming right in respect of the property in question.

4. Admittedly, civil disputes are pending between the parties. The respective learned counsel appearing on behalf of the parties submitted that a civil suit in O.S. No. 189 of 2020 was instituted and the same was decreed on 22.10.2021. As against the judgment and decree, a civil revision petition under Article 227 of the Constitution of India has been instituted before this Court in C.R.P. No. 2954 of 2021. It is not in dispute that the said civil revision petition is pending and it is yet to be disposed of.

5. The question that arises is whether the Revenue Authorities are empowered to issue orders regarding grant of patta or cancellation of patta or mutation of revenue records during the existence of civil litigation between the parties. The Act, namely, the Patta Passbook Act, governing the issue, clearly contemplates that in the event of existence of such civil disputes between the parties, the Revenue Authorities cannot decide the issue and they must advise the parties to approach the competent Civil Court for the purpose of crystallisation of their property rights. This being the scope of the provisions of Patta Passbook Act, the Revenue Authorities are not empowered to issue any orders in favour of any of the parties during the pendency of civil proceedings. This being the established principle to be followed by the Revenue Authorities while dealing with an application submitted by any person for grant of patta, cancellation of patta or mutation of revenue records, the present order, under challenge deserves to be kept in abeyance. The parties have to establish their civil rights before the competent Court of Law and once it reaches finality, thereafter, the parties are at liberty to file a proper application before the competent Revenue Authorities for grant of patta or cancellation of patta or mutation of revenue records, as the case may be.

6. In the event of allowing such revenue records to exist, the same may be taken undue advantage of, by any of the parties, either in civil proceedings or in any other proceedings, before

any other forum. Therefore, the parties cannot be allowed to take undue advantage of the decisions taken by the Revenue Authorities during the pendency of the civil litigation between the parties. Such parallel proceedings would cause prejudice to either of the parties. Further, parallel proceedings will create further confusion and either of the parties may claim further right in respect of the subject properties. This being the factum, this Court is inclined to consider the writ petition.

7. Accordingly, the impugned order issued by the 2nd respondent in proceedings Na.Ka.183/2022/A4 dated 09.05.2022 and all the other connected revenue orders issued by the official respondents shall be kept in abeyance till the crystallisation of the civil rights between the parties. After finalisation of their respective rights, either of the parties can approach the competent revenue authorities for issuing necessary orders based on the Court orders.

8. The writ petition is disposed of accordingly. No costs. Connected W.M.P. is closed.

Sd/-
Assistant Registrar(Vacation Officer)

//True Copy//

Sub Assistant Registrar

nv/sp

To

1. The Collector,
Tiruvallur, Tiruvallur District.

2. The Revenue Divisional Officer,
Ponneri Taluk,
Tiruvallur District.

3. The Tahsildar,
Ponneri Taluk,
Tiruvellore District.

+10ccs to Mr.P.Chandrasekar, Advocate, S.R.No.31788

+1cc to the Government Pleader, S.R.No.31748

W.P. No. 13268 of 2022

SSD(CO)
SU(30/05/2022)