



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.142 of 2022
and
W.M.P.No.155 of 2022

1.Hanuma Reddy

2.Muni Reddy

3.Krishna Reddy

4.Prabhakar Reddy

5.Santhamma

... Petitioners

Vs.

1.The District Revenue Officer,
Krishnagiri District,
Krishnagiri.

2.The Sub Collector,
Hosur,
Krishnagiri District.

3.The Tahsildar,
Hosur Taluk, Hosur,
Krishnagiri District.



4.The Village Administrative Officer,
Kalasthipuram Village,
Hosur Taluk, Krishnagiri District.

5.C.Anjana Reddy

6.Aswath Narayana Reddy

7.Srinivasa Reddy

8.Lalithamma

9.Vasantha

10.Amaravathi

11.Sakunthala

12.Padma

13.Prabavathi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order of the 3rd respondent namely the Tahsildhar of Hosur dated 11.11.2021 in reference Na.Ka.No.1867/2021/A4 and to quash the same and consequently direct the Respondents 1 and 3 namely the District Revenue Officer, Krishnagiri and the Tahsildhar of Hosur to pass the orders in accordance with the direction given in the order of the High Court of Madras dated 22.10.2018 in W.P.No.24870 of 2018.



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For Petitioners	: Mr.V.Nicholas
For R1 to R4	: Mr.D.Ravichandran Special Government Pleader
For R5 to R13	: Mr.T.Sellapandian

ORDER

The writ on hand has been instituted questioning the validity of the order dated 11.11.2021 passed by the Tahsildar, Hosur under the provisions of the Tamil Nadu Patta Pass Book Act, 1983 under challenge in the present writ petition.

2. The petitioners state that they are the absolute owner of the subject property more fully described in the present writ petition. Admittedly, there is a counter claim by the respondents 5 to 13 in respect of the very same subject property. There is no dispute between the parties that the Civil Suits reinstituted in O.S.No.23 of 2003 and O.S.No.31 of 2012 before the Civil Courts are pending. During the pendency of the Suits, the parties have approached the Tahsildar for grant of patta and cancellation of patta. The Tahsildar in the impugned order dated 11.11.2021 categorically recorded the fact that the Civil Suits are pending before the District Munsif Court, Hosur.



Therefore, the Tahsildar said that the revenue proceedings are to be recorded only after the disposal of the Civil Suits pending before the Competent Civil Court of Law.

3. The Patta Pass Book Act, unambiguously enumerates that owner of the properties are entitled for patta. Thus, in the event of no dispute a person can claim patta by filing an appropriate application under the Patta Pass Book Act. In the event of any civil dispute between the parties, the revenue authorities are incompetent to entertain an application or adjudicate the issues of civil nature.

4. Therefore, in such circumstances, the parties are to be relegated to approach the Competent Civil Court of Law to resolve the issues. After disposal of the civil litigations and reaching finality either of the party shall approach the competent authority under the Patta Pass Book Act for grant of patta, cancellation of patta or mutation of revenue records, as the case may be.



5. Mere patta would not confer any title or ownership to the parties. It is only a revenue proceedings, which is to be made based on the title documents. In the event of title dispute, the parties have to resolve the same through the Civil Court of Law. Based on the decree passed by the Competent Court either of the party may approach the Revenue Authorities for making necessary entries in the revenue records.

6. This being the scope of the provisions of the Patta Pass Book Act, in between proceedings during the pendency of the Civil Suit would cause prejudice to the either of the party and any one of the party may take undue advantage of such revenue proceedings, which is not desirable.

7. Thus, all the revenue proceedings in force as of now are kept in abeyance and the respondents 1 to 3 are directed to pass appropriate orders keeping all the revenue proceedings in abeyance till such time the parties resolve the civil disputes through the Competent Civil Court of Law. After disposal of the civil cases, either of the party is at liberty to file an appropriate application before the competent authority for grant of patta, cancellation of patta or mutation of revenue records as the case may be in the



manner known to law.

8. With the above directions, this Writ Petition disposed of. No costs.

Consequently, connected Miscellaneous Petition is closed.

27.07.2023

Jeni

Index : Yes

Speaking order

Neutral Citation : Yes

To

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S.M.SUBRAMANIAM, J.

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