



WEB COPY

W.P.No.3775 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.3775 of 2006

Allimuthu

... Petitioner

Vs.

1.The Special Commissioner,
Land Administration,
Chepauk, Chennai – 600 005.

2.The District Revenue Officer,
Villupuram.

3.The Revenue Divisional Officer,
Kallakurichi.

4.The Deputy Tahsildar,
Land Administration,
Kallakurichi

5.Palani Gounder

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent relating to his order dated 21.10.2005 in Proceeding



RC.No.G1/12687/05 and quash the same and directing the 1st respondent to assign the above land in favour of the petitioner.

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For Petitioner : Mr.Krishna Prasad,
for M/s.Sarvabhauman Associates

For R1 to R4 : Mr.R.Ramanlaal,
Additional Advocate General
assisted by Mr.D.Ravichander,
Special Government Pleader

For R5 : MrK.A.Rama Krishnan

ORDER

The Writ Petition has been filed against the order dated 21.10.2005 in Proceedings RC.No.G1/12687/05 and quash the same and consequently, direct the 1st respondent to assign the land in favour of the petitioner.

2. The petitioner states that land was assigned in favour of Mr.Chinnan, father of the petitioner in DKT No.1256/1980, and consequently, a conditional patta no. 3 dated 25.11.1970 was issued in the name of the writ petitioner's father. After the death of his father on



03.12.1986, the petitioner was in possession and enjoyment of the subject property. The petitioner filed O.S.No.179 of 1997 on the file of the III Additional District Munsif Court, Kallakurichi, which came to be allowed. The 5th respondent preferred an Appeal in A.S.No.186 of 2002 on the file of the III Additional District Court (Fast Track Court), Kallakurichi, which was also allowed.

4. The learned counsel for the petitioner mainly contended that the Second Appeal in S.A.No.386 of 2004 is pending before the High Court of Madras.

5. Under the provisions of the Tamil Nadu Patta Passbook Act, 1983, if civil litigations are pending between the parties, the revenue authorities are incompetent to grant patta, cancel patta or to mutate the revenue records. The revenue authorities are incompetent to adjudicate the disputes of civil nature, which all are to be resolved through the competent Civil Court of law.



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6. In the present case, admittedly civil litigation is pending between the parties in Second Appeal in S.A.No.386 of 2004 before the High Court, Madras. While so, the revenue authorities cannot issue any order under the Tamil Nadu Patta Passbook Act, 1983. In such circumstances, the parties are to be relegated to approach the Civil Court of law and all the revenue proceedings are to be kept in abeyance, which would cause no prejudice to either of the parties.

7. Mere Patta would not confer any title. Revenue proceedings cannot be considered as a document for the purpose of establishing title. This being the factum, the impugned order dated 21.10.2005 in Proceeding RC.No.G1/12687/05 on the file of the 1st respondent is kept in abeyance, till such time the Second Appeal has been disposed of by the High Court. After disposal of the Second Appeal and on reaching finality, either of the party is at liberty to submit appropriate application before the competent authority for the purpose of grant of patta, cancellation of patta or to mutate the revenue records, as the case may be.



8. With these observations, the Writ Petition stands disposed of.

No costs.

17.08.2023

skr

Index : Yes

Speaking order

Neutral Citation : Yes

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S.M.SUBRAMANIAM, J.

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