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W.P.No.13776 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.13776 of 2005
and
W.P.M.P.No.15108 of 2005

Sevatha Gounder (deceased)

Mr.S.Chinnaraj, S/o Sevatha Gounder ... Petitioner
[substituted vide order dated 21.01.2006 in W.P.M.P.No.42733 of 2005]

Vs.

1.The Special Commissioner and
Commissioner of Land Administration,
Chepauk, Chennai – 5.

2.The District Revenue Officer,
Dharmapuri District.

3.The Revenue Divisional Officer,
Dharmapuri District.

4.The Tahsildar,
Dharmapuri Taluk.

5.Macickam ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records in Re.D.Dis.K4/RP 15/03 (28258/2000) on the file of the 1st respondent dated 02.03.2005 and quash the same.



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For Petitioner : Mr.Chandrakanthan M. Aravindhan
For R1 to R4 : Mr.R.Raman Laal,
Additional Advocate General
assisted by
Mr.E.Sunda Ram,
Government Advocate
For R5 : Mr.R.Karthikeyan

ORDER

The order dated 02.03.2005 issued by the Commissioner of Land Administration, setting aside the order of the District Revenue Officer, Dharmapuri in Proceedings dated 25.05.2000 is under challenge in the present writ petition.

2. The Commissioner of Land Administration restored *status quo* prior to the order of the District Revenue Officer dated 25.05.2000. However, the impugned order states that further changes in the revenue records are to be made only after the orders passed in the Second Appeal, which was pending before the High Court, Madras.

3. The petitioner states that the patta was granted in his favour by the District Revenue Officer. The fifth respondent preferred an Appeal before



the first respondent, who in turn set aside the order passed by the District Revenue Officer and accordingly, the patta granted in favour of the petitioner was cancelled.

4. The learned counsel for the petitioner mainly contended that the Second Appeal in S.A.No.2282 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.

6. In the present case, admittedly civil litigations are pending between the parties in in Second Appeal in S.A.No.2282 of 2004 now 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



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law and all the revenue proceedings are to be kept in abeyance, which would cause no prejudice to either of the parties. Since the Commissioner of Land Administration set aside the order passed by the District Revenue Officer, the said action was prejudiced to the interest of the petitioner and there is a possibility of taking undue advantage by the fifth respondent in the civil litigations, which is now pending.

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 passed by the Commissioner of Land Administration in proceedings dated 02.03.2005 in Re.D.Dis.K4/RP 15/03 (28528/2000) and the order of the District Revenue Officer, Dharmapuri in proceedings dated 25.05.2000 are 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.



Consequently, the connected miscellaneous petition is closed. No costs.

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Index : Yes

Speaking order

Neutral Citation : Yes

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S.M.SUBRAMANIAM, J.

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