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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.40995 of 2005

Palani Gounder ... Petitioner

Vs.

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

2.The District Revenue Officer,
Villupuram District, Villupuram.

3.The Revenue Divisional Officer,
Kallakurichi Taluk, Villupuram District.

4.Allimuthu ... Respondents

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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order bearing RC.No.G1/12687/05 dated 21.10.2005 on the file of the 1st respondent, confirming the order bearing Na.Ka.No.B8/67564/2003 dated 05.02.2005 on the file of the 2nd respondent and quash the same.

For Petitioner	: Mr.A.Ramakrishnan
For R1 to R3	: Mr.R.Ramanlaal, Additional Advocate General assisted by Mr.D.Ravichander, Special Government Pleader
For R4	: Mr.Krishna Prasad, for M/s.Sarvabhauman Associates

O R D E R

The Writ Petition has been filed against the impugned order bearing RC.No.G1/12687/05 dated 21.10.2005 on the file of the 1st respondent, confirming the order bearing Na.Ka.No.B8/67564/2003 dated 05.02.2005 on the file of the 2nd respondent and quash the same.

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2. The petitioner states that the patta was granted in his favour by the RDO, Kallakurichi. The 4th respondent preferred an Appeal before the 2nd respondent, who in turn set aside the order passed by the Revenue Divisional Officer and accordingly, the patta granted in favour of the petitioner was cancelled.

3. 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.

4. 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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5. 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.

6. 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 in RC.No.G1/12687/05 dated 21.10.2005 on the file of the 1st respondent, confirming the order bearing Na.Ka.No.B8/67564/2003 dated 05.02.2005 on the file of the 2nd respondent 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

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patta, cancellation of patta or to mutate the revenue records, as the case may be.

7. With these observations, the Writ Petition stands disposed of. No costs.

17.08.2023

skr
Index : Yes
Speaking order
Neutral Citation : Yes

To

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S.M.SUBRAMANIAM, J.

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