



WEB COPY



W.P.No.5099 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.5099 of 2023

A.Palanathal

... Petitioner

Vs.

1. The Sub Collector,
Office of the Sub Collector,
Tiruppur.

2.The Revenue Divisional Officer,
Tiruppur,
Tiruppur District.

3.The Tahsildar,
Avinashi Taluk,
Tirupur District.

4.A.Muthukrishnan

5.M.Gowrishankar

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the 2nd and 3rd respondents to issue patta in the name of the petitioner for the house property in Door No. 1/253 comprised in Old Survey No. 263 part, now New Survey No. 263/2 situated in Sembianllur Village, Avinashi Taluk by considering the representation of the petitioner dated 13.09.2017.



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For Petitioner : M/s.Hema Sampath, Senior Counsel
for Mr.S.Arjun
For Respondents :
(R1 & R3) : Mr.D.Ravichander
Special Government Pleader.
(R4) : No Appearance
(R.5) : Mr.D.Veena Sekaran

ORDER

The writ of mandamus has been instituted to direct the respondents 2 and 3 to issue patta in the name of the petitioner for the house property in Door No. 1/253 comprised in Old Survey No. 263 part, now New Survey No. 263/2 situated in Sembianllur Village, Avinashi Taluk by considering the representation of the petitioner dated 13.09.2017.

2.The petitioner states that she is the absolute owner of the property more fully described in the present writ petition. The respondents 4 and 5, by way of misrepresentation and misleading the revenue authorities, obtained patta in their favour.

3.The earlier suit filed by the 4th respondent in O.S.No.302 of 2010 was dismissed for non-prosecution in the year 2015. Thereafter, the suit was not restored. Subsequently, after a lapse of about 8 years, the 5th



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respondent, who is the son of the 4th respondent, instituted a fresh suit in O.S.No.13 of 2023 for permanent injunction which is now pending on the file of District Munsif Court at Avinashi.

4. The learned Senior Counsel appearing on behalf of the petitioner mainly contended that the respondents 4 and 5 are misleading the Revenue Authorities for the purpose of grabbing the land belonging to the writ petitioner. Per contra, the learned counsel appearing on behalf of the respondents 4 and 5 raised an objection by stating that the petitioner is not the owner of the property and the 5th respondent is in possession of the property and the patta also stands in his name.

5. Be that as it may. High Court cannot conduct a roving inquiry in respect of title or possession. The parties have to approach the Civil Court of law for the purpose of resolving the disputes of civil nature. Already a civil suit has been instituted in O.S.No.13 of 2023. Revenue Authorities are incompetent to adjudicate the civil disputes and in the event of pendency of any civil suit, the revenue authorities cannot issue any proceedings under the provisions of the Patta Passbook Act. Only after disposal of the civil litigations and based on the decree under Section 14 of



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the Patta Passbook Act, the Revenue Authority have to make necessary changes in the revenue records.

6. This being the power conferred on the Revenue Authorities under the provisions of the Patta Passbook Act, the proceedings already issued by the Revenue Authorities in respect of the subject property are kept in abeyance. Till such time, the parties resolve the issues through the Civil Court of law. After disposal of the civil litigations and reaching finality, either of the parties is at liberty to file an application before the competent Revenue Authority for the purpose of effecting changes with the revenue records based on the decree to be passed.

7. With these observations, the writ petition stands **disposed of**. No costs.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

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S.M.SUBRAMANIAM. J.,

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