



WEB COPY

W.P.No.5496



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.5496 of 2021

and

W.M.P.Nos.6106 and 6107 of 2021

PR.Veerappan

... Petitioner

Vs.

1.Nagavalli

2.The District Revenue Officer,
Chennai District,
Collector Office Buildings,
Rajaji Road, Chennai – 600 001.

3.The Revenue Divisional Officer,
Egmore Division,
Collector Office Buildings,
Rajaji Road, Chennai – 600 001.

4.The Tahsildar,
Egmore-Nungambakkam Taluk,
Spurtank Road,
Chennai – 600 031.

5.R.M.Meyyammai

6.N.Kalidas



7.The Revenue Divisional Officer,
Central, Chennai.

8.The Tahsildar,
Mambalam Taluk, Mambalam ... Respondents
[R7 and R8 *suo motu* impleaded vide order dated 17.08.2021]

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari Mandamus, calling for the records of the 2nd respondent in his proceedings bearing Se.Mu.No.J5/21432/2018 dated 21.10.2020, quash the same and consequently restore the patta issued in petitioner's favour in C.A.No.1053/2002 dated 12.09.2002 by the 4th respondent.

For Petitioner	: Mr.Praveenkumar
For R1	: Mr.Ranaprithvi for M/s.BFS Legal
For 2 to 4, 7 & 8	: Mr.C.Jayaprakash, Government Advocate
For R5 & R6	: No appearance
For R9	: Sri Krishna Bhagavat

ORDER

The Writ Petition has been filed questioning the validity of the proceedings dated 21.10.2020.

2. The District Revenue Officer, Chennai District passed an order cancelling the patta granted in favour of the writ petitioner.



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3. The learned counsel / Mr. Sri Krishna Bhagavat made a submission that he has filed an application for impleadment and the Writ Petition was instituted without even impleading the necessary parties. A Civil Suit was instituted on the file of the High Court of Madras in C.S.No.710 of 2002 and the matter is now pending before the Hon'ble Division Bench of this Court in O.S.No.111 to 118 of 2021.

4. During the pendency of the civil litigations, the revenue authorities are incompetent to grant patta, cancel the patta or mutate the revenue records. Under the provisions of the Tamil Nadu Patta Passbook Act, 1983, the revenue authorities are incompetent to adjudicate the title disputes or other disputed issues of civil nature between the parties. Therefore, grant of patta and cancellation of patta during the pendency of a Civil Suit is not desirable, as it would result in causing prejudice to anyone of the parties.

5. Patta would not confer any title or ownership and the respective parties are at liberty to establish their title, ownership or civil rights based on the documents and evidences available on record.



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6. Thus, the revenue proceedings are kept in abeyance till such time the disputes between the parties are resolved. The orders of the revenue authorities may be relied on by the parties under Section 35 of the Indian Evidence Act, 1872 and the said proceedings cannot be conclusive for establishing title or ownership. Thereafter, either of the party is at liberty to file an appropriate application under the Tamil Nadu Patta Passbook Act, 1983, for the purpose of grant of patta, cancellation of patta or mutation of revenue records.

7. The learned counsel for the 1st respondent made a submission that as far as the property belonging to the 1st respondent is concerned, it is not the subject matter of O.S.A. pending before the High Court. The said factum may be verified by the authorities, if any application is filed seeking patta, cancellation of patta or otherwise. If the properties belonging to the 1st respondent is no way connected with the O.S.A., then there is no impediment for the authorities to consider the application, if any, submitted by the 1st respondent



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

Consequently, the connected Miscellaneous Petitions are closed. No costs.

18.08.2023

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Index : Yes

Speaking order

To

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WEB COPY

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S.M.SUBRAMANIAM, J.

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