IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.32080 of 2015 &
M.P.No.1 of 2015

Motilal Bhattad ...Petitioner

Vs.

1.The District Collector, Thiruvallur.

2.The District Revenue Officer,
Thiruvallur.

3.The Revenue Divisional Officer,
Thiruthani

4.The Tahsildar, Thiruthani

5.S.Mahadevan
6.S.Munibabu ..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records on the file of the third respondent in his proceedings in Mu.Mu.A2/800/2015 dated 27.07.2015 and quash the same as illegal.

For Petitioner : Mr.K.S.Vamsidhar

For Respondents 1 to 4: Mr.G.Krishna Raja
Additional Government Pleader

For Respondent 5 : No appearance

For Respondent 6 : Mr.R.Mohan

ORDER

The order dated 27.07.2015 passed by the Revenue Divisional Officer, Tiruttani, cancelling the patta which stood in the name of the petitioner.

2. The petitioner states that he is the absolute owner of the property comprised in S.No.150 to an extent of 9 acres and 20 cents situated within the limits of Paresapuram Village, Venugopalapuram Panchayat limits, Thiruvalangadu Panchayat Union, Thiruthani Taluk, Thiruvallur District. The petitioner purchased the land vide sale deed dated 21.03.1988 in Doc.No.446/1988. Patta was granted in favour of the petitioner and his name was included in the Chitta and Adangal, accounts of the Village. The petitioner is paying land revenue for the subject property and he is in possession and enjoyment of the same. While so, the respondents 5 and 6 raised counter claims in respect of the subject property. By entertaining the

application to transfer the patta, the Revenue Divisional Officer, Thiruttani, cancelled the patta granted in the name of the petitioner and thus, the petitioner has chosen to file the present writ petition.

3. The learned counsel for the petitioner brought to the notice of this Court that the civil suits between the parties are pending and therefore, the revenue authorities ought not to have entertained the application filed by the respondents 5 and 6. O.S.No.69/15, O.S.No.74/15 and O.S.No.5/15 are pending before the competent Civil Court of law and therefore, the orders passed during the pendency of the suits cannot be implemented and in the event of giving effect, the rights of the parties would be prejudiced.

4. The revenue authorities are incompetent to adjudicate the disputed issues of civil nature. In the event of passing any orders during the pendency of the civil suits, the same would cause prejudice to any one of the parties. Revenue proceedings would not confer any title or ownership. Parties to the suits are at liberty to establish their rights independently based on the documents and evidences. Patta has to be issued only, if title has not been disputed. The scope of Patta Pass Book Act cannot be expanded for

the purpose of adjudication of disputed issues relating to service rights.

5. In such circumstances, the revenue proceedings ought to be kept in abeyance and after the disposal of the civil litigations and reaching finality, the parties are at liberty to submit an application under section 14 of the Patta Passbook Act, for the purpose of making necessary entries in the revenue registers. In the present case, the Revenue Divisional Officer ought not to have considered the issues, since the civil suits are pending between the parties. More so, three suits are pending.

6. That being the factum, the respondents 1 to 4 are directed to pass appropriate orders keeping all the revenue proceedings pertaining to the subject property in abeyance or cancel the orders passed during the pendency of the civil suits, till such time, the civil suits are disposed of and the dispute between the parties reached finality. Thereafter, either of the party is at liberty to submit an appropriate application for making necessary changes in the revenue register.

7. With these directions, the writ petition stands disposed of. No costs. Consequently connected miscellaneous petition is closed.

13.07.2023

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Index : Yes/No
Speaking order/Non speaking order
Neutral Citation : Yes/No

To

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2.The District Revenue Officer,
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Thiruthani

4.The Tahsildar, Thiruthani

S.M.SUBRAMANIAM, J.

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