



WEB COPY

WP No.7334 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02-06-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.7334 of 2022

And

WMP Nos.7366 and 20597 of 2022

1.N.Krishnamoorthy @ Kesavan (Since Deceased)

2.K.Saroja

3.S.Bakkialakshmi

4.Hemachal Ganesh Babu

5.V.Abirami

(Petitioners 2 to 5 substituted vide order
of Court dated 02.06.2023 made in
WMP No.23778 of 2022 in WP 7334 of
2022)

... Petitioners

Vs.

1.The Revenue Divisional Officer,
Thiruvallur Division,
Thiruvallur.

2.The Tahsildar,
Thiruvallur Taluk,



Thiruvallur.

3.Allimuthu

4.Manoharan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records pertaining to the order in RC No.439/2019/A7 dated 3.12.2020 of the first respondent herein and quash the same.

For Petitioners : Mr.A.E.Ravichandran

For Respondents-1 and 2: Mr.G.Krishna Raja,
Additional Government Pleader.

For Respondents-3 and 4:Mr.B.Balachander

ORDER

The order dated 31.12.2020 passed by the Revenue Divisional Officer, Thiruvallur, is sought to be quashed in the present writ petition.

2. The learned counsel for the petitioners mainly contended that the Revenue Divisional Officer entertained the application from the contesting respondent and decided the issues without issuing any notice to



the deceased first petitioner. Thus an order impugned is in violation of the principles of natural justice. More-so, the civil suit between the parties is pending and the suit is instituted for declaration of title.

3. That being the factum, the Revenue Divisional Officer ought not to have entertained application from the contesting respondent.

4. The learned counsel appearing on behalf of the respondents 3 and 4 raised an objection by stating that the Revenue Divisional Officer has not cancelled patta in respect of the portion of the land belonging to the deceased first petitioner. Therefore, the present writ petition is to be rejected.

5. May that as it be, this Court is of the considered opinion that the civil suit is instituted in OS No.59 of 2014 for declaration of title and the suit is pending.

6. When the civil suit between the parties is pending, the Revenue Divisional Officer ought not to have entertained any application



for grant of patta, its cancellation or mutation of records or otherwise. The provisions of the Patta Pass Book Act, also emphasises that the Authority Competent shall issue patta only if there is no dispute regarding the title, but not otherwise. Therefore, the Authorities are expected to exercise restraint in entertaining the application for grant of patta or its cancellation whenever the civil disputes exist between the parties.

7. This being the factum, this Court is inclined to keep all the revenue proceedings in abeyance and till such time, the civil disputes are resolved between the parties.

8. Accordingly, all the revenue proceedings, including the patta proceedings and the impugned order dated 31.12.2020, are kept in abeyance and no party shall take any undue advantage from and out of such revenue proceedings issued by the Revenue Authorities. After the disposal of the civil litigation reached its finality, either of the parties are at liberty to approach the Competent Authority for grant of patta or cancellation of patta or mutation of records or otherwise, based on the judgment of the Competent Court of Law.



9. With the above liberty, the writ petition stands disposed of.

However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

02-06-2023

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

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To

1.The Revenue Divisional Officer,
Thiruvallur Division,
Thiruvallur.

2.The Tahsildar,
Thiruvallur Taluk,
Thiruvallur.



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S.M.SUBRAMANIAM, J.

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