



W.P.No.7673 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.7673 of 2023

and

W.M.P.No.7848 of 2023

1. D.Anandrangan

... Petitioner

vs.

1. The District Revenue Officer,
Kallakurichi District.

2. The Revenue Divisional Officer,
Kallakurichi Taluk and District.

3. The Tahsildar,
Office of the Taluk Office,
Kallakurichi Taluk and District.

4. N.NoorNisha

5. M.Mohamed Azarudeen

6. S.SaabeeyaBanu

7. K.Sanith bee

8. S.Tajnisha

... Respondents



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Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the 3rd Respondent herein to cancel the Patta Nos.1512, passed by the 2nd Respondent dated 5.12.2022 in favour of the Petitioner land comprised in Re-Survey no.282/4, 5, 6, 7, 8, 283/1, 4 ad-measuring an extent of 1.48 ½ cent which is situated at Prithvimandalam Village Thiyaadurgam Sub- Registration Office, Kallakurichi T.K and District within the time frame as fixed by this Honble Court.

For Petitioner	: Mr.D.Babu Varadharajan
For Respondents	:
(for R1 & R3)	: Mr.C.Jaya Prakash Government Advocate
(for R4 to R8)	: Mr.N.Manokaran

ORDER

The relief sought in the present writ petition is to directing the 3rd Respondent herein to cancel the Patta Nos.1512, passed by the 2nd Respondent dated 5.12.2022 in favour of the Petitioner land comprised in Re-Survey no.282/4, 5, 6, 7, 8, 283/1, 4 ad-measuring an extent of 1.48 ½ cent which is situated at Prithvimandalam Village Thiyaadurgam Sub- Registration Office, Kallakurichi T.K and District within the time frame as fixed by this Hon'ble Court.



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2. Grant of patta or cancellation of patta or the revenue records would not confer any right to claim title. The parties are bound to establish their title independently in the event of institution of a civil suit before the competent Court of law. Even in case patta has been granted by the Revenue Authorities or it is cancelled, the parties cannot take any undue advantage when the Civil Suit instituted between the parties are pending before the Court of law. Those documents cannot be considered as conclusive proof in view of Section 35 of the Indian Evidence Act, 1872. Therefore, the Civil Courts, while adjudicating the issues of civil nature, has to consider all the documents and the evidences made available for the purpose of crystallizing the rights between the parties in an independent manner.

3. In the present case, the petitioner submitted an application to grant patta in respect of the subject property which was rejected by the Deputy Zonal Tahsildar in proceeding dated 19.07.2022. However, the said order has not been under challenge in the present writ petition. May that as it be. It is not in dispute that the respondents have instituted a Civil Suit in O.S.No.99 of 2011, on the file of the Principle Sub Court



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Kallakurichi. The vendor to the writ petitioner has been impleaded as a party in the Civil Suit. However, the petitioner is not a party in the Civil Suit. Thus, it is for the petitioner to impleade himself in the pending Civil Suit in O.S.No.99 of 2011 to establish his civil rights by producing documents and evidences. The respondents are also at liberty to implead the petitioner in the Civil Suit. At the outset, the petitioner is to be impleaded as party in the civil suit for effective adjudication of the civil disputes.

4. Intermittent interventions by the High Court in a writ proceedings during the pendency of the suit is not desirable in view of the fact that any findings made regarding the civil rights would cause prejudice to either of the parties. Thus, the petitioner as well as the contesting respondents are at liberty to establish their civil rights before the competent Civil Court of law wherein the Civil Suit is pending. After disposal of the civil litigations and reaching finality, either of the parties are at liberty to approach the Revenue Authorities for grant of patta, cancellation of patta or mutation of revenue records as the case may be.



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5. In view of the dispute between the parties regarding the title and ownership, all the revenue proceedings issued by the authorities are kept in abeyance and till such time, the civil litigations are disposed of. However, the revenue orders kept in abeyance are subject to the outcome of the judgment and decree to be passed by the Civil Court of law.

6. Accordingly, the writ petition stands **disposed of**. No costs. Consequently, connected miscellaneous petition is closed.

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

07.07.2023

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S.M.SUBRAMANIAM. J.,

(sha)

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