



WEB COPY

WP No.35192 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26-09-2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.35192 of 2013

And

MP No.1 of 2013

S.Soundiram

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Erode District.

2.The District Revenue Officer,
District Revenue Office,
Erode District,
Erode.

3.Tahsildar,
Erode,
Erode District.

4.P.Rathinasamy

5.Krishnamoorthy

... Respondents



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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 dated 15.10.2013 passed by the second respondent in Na.Ka.15660/2013/ou1 and quash the same.

For Petitioner : Mr.M.Guruprasad

For Respondents-1 to 3 : Mr.T.Arunkumar,
Additional Government Pleader.

For Respondent-4 : Mr.N.Manokaran

or Respondent-5 : No Appearance

ORDER

The impugned order dated 15.10.2013 issued by the second respondent-District Revenue Officer, Erode is sought to be quashed in the present writ petition.

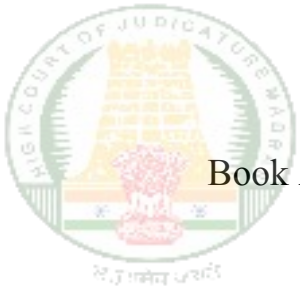


2. The petitioner states that she is the absolute owner of the subject property more fully described in the present writ petition.

3. The learned counsel appearing on behalf of the writ petitioner mainly contended that civil suit between the parties instituted in OS No.82 of 2010 is pending on the file of the District Munsif cum Judicial Magistrate Court, Kodumudi. While-so, the second respondent-District Revenue Officer entertained the complaint submitted by the respondents and deleting the name of the petitioner from the Patta Pass Book.

4. The learned counsel appearing on behalf of the contesting respondents made a submission that the petitioner has not purchased the subject property from the title holder and the purchase itself was invalid. Therefore, the deletion effected by the second respondent-District Revenue Officer is in accordance with law.

5. May that as it be. The civil suit between the parties are pending. Therefore, passing an order under the provisions of the Patta Pass



Book Act, would cause prejudice to the interest of either of the parties.

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6. In such circumstances, the Revenue Authorities are expected to keep the proceedings in abeyance, till such time, the civil disputes between the parties are resolved.

7. In the present case, the order impugned has been passed during the pendency of the civil suit and therefore, the impugned order passed by the second respondent-District Revenue Officer, Erode in proceedings Na.Ka.15660/2013/ou1 dated 15.10.2013 is kept in abeyance, till such time, the civil disputes instituted between the parties are resolved.

8. After the disposal of the civil suit and reaching its finality, either of the parties are at liberty to approach the Competent Authority for the purpose of passing necessary orders by following the procedures as contemplated.

9. With the above clarifications, the present writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the



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connected miscellaneous petitions are closed.

26-09-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn

To

- 1.The District Collector,
Collectorate,
Erode District.
- 2.The District Revenue Officer,
District Revenue Office,
Erode District,
Erode.
- 3.Tahsildar,
Erode,
Erode District.



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S.M.SUBRAMANIAM, J.

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