



W.P.No.38925 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.38925 of 2015 &
M.P.No.1 of 2015

1.M.Arumugam
2.M.Raju
3.M.Thangavel

...Petitioners

Vs.

1.The District Revenue Officer,
Perambalur District,
Perambalur.

2.The Sub Collector,
Perambalur District,
Perambalur.

3.The Tahsildar,
Kunnam Taluk,
Perambalur District.

4.P.Palanimuthu
5.M.P.Singaravel
6.D.Murugesan
7.D.Devaraj

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India,
to issue a Writ of Certiorari calling for the records pertaining to the the



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order of the first respondent in Na.Ka.No.A2/12683/2014 dated 23.10.2015
and the quash the same.

For Petitioner : Mr.C.K.M.Appaji

For Respondents 1 to 3: Mr.G.Krishna Raja
Additional Government Pleader

For Respondent 6 : No appearance

Respondents 4 & 5 - Died - Steps due
Respondent 7 - Not Ready in notice

ORDER

The proceedings of the first respondent dated 23.10.2015 granting patta in the name of the respondents 4 to 7 is under challenge in the present writ petition.

2. The petitioners state that the subject property is the joint family property. That apart, the petitioners have purchased various other properties. They have entered into an oral partition in respect of the joint family properties. There is a dispute between the parties admittedly and a civil suit has been instituted in O.S.No.194/2012 on the file of the District Munsif Court, Perambalur.



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3. It is brought to the notice of this Court that the civil suit is pending as of now and during the pendency of the civil suit, the District Revenue Officer issued the impugned proceedings.

4. The revenue authorities are incompetent to adjudicate the title, ownership or civil rights between the parties. In the event of any dispute and the parties have already approached the civil court of law, the authorities have to restrain from issuing contrary orders which would create further complications and either of the party may be prejudiced. The parties are bound to prove their case based on the documents and evidences available on record. After disposal of the civil litigations and reaching finality, either of the party have to approach the revenue authority for effecting necessary changes in the revenue registers. Thus, all the revenue proceedings including the patta, cancellation of patta or otherwise issued by the revenue authorities are directed to be kept in abeyance, till such time, the parties resolving the dispute through civil court of law.

5. After the disposal of the civil litigation through civil court of law, either of the party is at liberty to approach the revenue authority for the purpose of effecting changes in the revenue records.



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

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Index : Yes

Speaking order

Neutral Citation : Yes



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To

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S.M.SUBRAMANIAM, J.

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