



W.P.No.9595 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2023

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.9595 of 2023

and

W.M.P.No.9646 of 2023

1.Sankarasubramaniam
2.Jagadeeskumar

...Petitioners

-Vs-

- 1.The District Collector,
Salem District,
Salem.
- 2.The Revenue Divisional Officer,
Salem, Subramaniya Nagar,
Suramangalam, Salem – 636 005.
- 3.The Tahsildar,
Yercaud Taluk Office,
Yercaud, Yercaud Taluk,
Salem District.
- 4.The Village Administrative Officer,
Asambur Village,
Yercaud Taluk,
Salem District.



W.P.No.9595 of 2023

5.Pachiammal

6.Karuthammal

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned summon issued by the 3rd respondent dated 20.03.2023 in Na.Ka.80/2023/A2 issued to the petitioners for enquiry and quash the same as illegal and forbearing the respondents 1 to 4 from initiating patta proceedings and revenue proceedings against the petitioners pertaining to Survey No.38/7A, 38/7B lands Asambur Village, Yercaud Taluk, Salem District.

For Petitioners	:	Mr.T.M.Ramalingam
For R1 to R4	:	Mr.P.Sanjay Gandhi Government Advocate
For R5	:	Mr.V.Rajesh
For R6	:	Mr.S.Kalyanaraman

ORDER

The enquiry notice issued by the Tahsildar, Yercaud in proceedings dated 20.03.2023 is sought to be quashed in the present writ petition.



W.P.No.9595 of 2023

WEB COPY

2.The 5th respondent filed an application before the Tahsildar under the provisions of the Patta Passbook Act for cancelling the patta granted in favour of the writ petitioners. During the pendency of the proceedings before the Tahsildar, the 5th respondent herself instituted a civil suit in O.S.No.3284 of 2022 on the file of the I Additional Sub Court, Salem. It is further brought to the notice of this Court that the writ petitioners also filed a suit in O.S.No.2 of 2023 on the file of the District Munsif cum Judicial Magistrate Court, Yercaud for bare injunction. The said suit is also pending.

3.Once the civil suit has been instituted, the revenue authorities cannot conduct an enquiry for the purpose of grant of patta, cancelling of patta or for mutation of revenue records. Under the Patta Passbook Act, the revenue authorities is empowered to grant patta or cancel the patta if there is no dispute regarding title or ownership. Now the parties have already approached the Civil Court of law and therefore, all further enquiry on the file of the Tahsildar is to be kept in abeyance till such time the suit has been



W.P.No.9595 of 2023

disposed of or the issues reached finality. After disposal of the civil case, the parties are at liberty to approach the revenue authorities for appropriate remedy.

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

17.07.2023

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

cse



WEB COPY



W.P.No.9595 of 2023

To

- 1.The District Collector,
Salem District,
Salem.
- 2.The Revenue Divisional Officer,
Salem, Subramaniya Nagar,
Suramangalam, Salem – 636 005.
- 3.The Tahsildar,
Yercaud Taluk Office,
Yercaud, Yercaud Taluk,
Salem District.
- 4.The Village Administrative Officer,
Asambur Village,
Yercaud Taluk,
Salem District.



WEB COPY



W.P.No.9595 of 2023

S.M.SUBRAMANIAM, J.

cse

W.P.No.9595 of 2023

17.07.2023