



W.P.No.11192 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.11192 of 2023

and

W.M.P.No.11059 of 2023

1. Periyasamy

2. Kandasamy

... Petitioners

vs.

1. The District Collector,
District Collectorate, Erode.

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

3. The Revenue Divisional Officer,
Revenue Divisional Office, Erode.

4. The Revenue Thasildar,
Kodumudi Taluk, Erode District.

5. Sengottuvadivelu

6. Lakshmi

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of Certiorarified Mandamus, to call for the



W.P.No.11192 of 2023

records pertaining to the 2nd respondent proceedings in Na. Ka. No. 28816 / 2021 / U1 issued on 19.01.2023 confirming the 3rd respondent proceedings in Na. Ka. No. 5485 / 2021 / A4 dated 05.07.2022 which confirmed the 4th respondents proceedings in 2021 / 0103 / 10 / 248736 dated 07.08.2021 and quash the same as contrary to law and consequentially to direct the 4th respondent to consider the petitioners claim for issuance of patta in petitioners names in R.S.No. 663 (Old Survey No. 487/B) Patta No. 476 to the extent of 1.72 Ares at Punjai Kolanalli Village, Kodumudi Taluk, Erode District.

For Petitioners : Mr.C.Ramaraj

For Respondents :
(for R1 to R4) : Mr.D.RAvichander, Spl.G.P.
(for R5 to R6) : Mr.R.Singaravelu

ORDER

The order impugned dated 19.01.2023 reveals that a civil suit between the parties in O.S.No.1207 of 2019 is pending on the file of the Sub Court, Erode. The order further clarifies that the pending suit is in relation to the same property.

2.The learned counsel for the petitioner states that the application



W.P.No.11192 of 2023

submitted for grant of patta is no way connected with the civil suit. Further the learned Special Government Pleader brought to the notice of this Court that the schedule properties mentioned in the suit is very much the same to that of the survey number mentioned in the application submitted by the writ petitioner. Thus, the reason stated in the impugned order is in conformity with the provisions of the act.

3. When the suit is pending between the parties, no application needs to be entertained under the provisions of the Patta Passbook Act since it would cause prejudice to either of the parties. After disposal of the civil litigation, either of the parties is at liberty to approach the Revenue authorities for the purpose of grant of patta, cancellation of patta or otherwise. Thus, the reason stated in the order impugned is in consonance with the provisions of the Patta Passbook Act, 1989.

4. Accordingly the writ petition stands **dismissed**. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(sha)
Index : Yes

03.07.2023



W.P.No.11192 of 2023

Speaking Order
Neutral Citation : Yes

To

1. The District Collector,
District Collectorate, Erode.
2. The District Revenue Officer,
District Collectorate, Erode.
3. The Revenue Divisional Officer,
Revenue Divisional Office, Erode.
4. The Revenue Thasildar,
Kodumudi Taluk, Erode District.



WEB COPY



W.P.No.11192 of 2023

S.M.SUBRAMANIAM. J.,

(sha)

W.P.No.11192 of 2023

03.07.2023