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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.12499 of 2023

P.Suresh ... Petitioner

Vs.

1.The District Revenue Officer,
Office of Revenue Department,
Chengalpattu District.

2.The Revenue Divisional Officer,
Office of Thasildar,
Tambaram,
Chengalpattu District.

3.Kalaivani ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent to dispose the Appeal of the petitioner dated 31.03.2023.

For Petitioner : Mr.M.Vijayan
For M/s.Karan and Uday

For R1 & R2 : Mr.T.Arun Kumar
Additional Government Pleader

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O R D E R

The relief sought for in the present writ petition is to direct the 2nd respondent to dispose the Appeal of the petitioner dated 31.03.2023.

2. The learned counsel for the petitioner made a submission that the patta granted in the name of the writ petitioner was cancelled by the Revenue Divisional Officer. Challenging the order of cancellation, the petitioner preferred an Appeal before the District Revenue Officer on 31.03.2023. The said Appeal is yet to be considered and therefore, the petitioner is constrained to move the present writ petition.

3. The learned Additional Government Pleader appearing on behalf of the respondents 1 and 2 brought to the notice of this Court that a Civil Suit is pending between the parties in O.S.No.93 of 2020. The Civil Suit was instituted by the petitioner before the Munsif Court at Tambaram. When the Civil Suit is pending, the Revenue Authorities could not be in a position to consider the application for grant of patta or its cancellation.

4. The parties have to establish their Civil Right before the Competent Civil Court and only after crystallising their right, the Revenue Authorities

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have to consider for grant of patta or its cancellation.

5. The learned counsel for the petitioner made a submission that the 2nd respondent cancelled the patta during the pendency of the civil dispute.

6. If that is the case, the Revenue proceedings are to be kept in abeyance, till such time the Civil litigation reaches finality and the rights of the parties are crystallised. Therefore, the Revenue Authorities cannot consider grant of patta or its cancellation during the pendency of the Civil litigation between the parties, as they are not empowered to determine the Civil Rights of the parties in respect of the immovable property. Therefore, all the revenue proceedings issued are to be kept in abeyance till such time the civil litigations reach finality and the parties establish their right. Thereafter, either of the party shall submit an application for grant of patta or its cancellation or mutation.

7. The respondents shall make necessary entries in the suit register of the Taluk Office so as to ensure that the revenue records are not acted upon till such time the parties resolve their rights through the Competent Civil Court of Law.

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8. With these observations, this Writ Petition stands disposed of. No costs.

24.04.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To

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S.M.SUBRAMANIAM, J.

Jeni

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