



WEB COPY

W.P.No.12636 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.12636 of 2023

R.Hema

... Petitioner

Vs.

- 1.The District Collector
Thiruvannamalai District
Vengikkal, Thiruvannamalai – 606 604.
- 2.The District Revenue Officer
Thiruvannamalai District
Thiruvannamalai – 606 604.
- 3.The Revenue Divisional Officer
Thiruvannamalai Division
Thiruvannamalai District – 606 601.
- 4.The Deputy Superintendent of Police
Vigilance & Anti Corruption Department
1164, Thendral Nagar, Vengikkal
Thiruvannamalai – 606 604.
- 5.The Tahsildar
Thiruvannamalai Taluk
Thiruvannamalai District.
- 6.The Deputy Tahsildar
O/o Taluk Office
Thiruvannamalai Taluk & District.



7.The Revenue Inspector
Thurijapuram
Thiruvannamalai Taluk & District.

8.The Village Administrative Officer
Sorakolathur Village
Thiruvannamalai Taluk & District.

9.Mrs.Banumathi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 3rd respondent to consider the petitioner's representation dated 16.02.2023 and consequently to cancel the joint patta No.2407 of Sorakulathur Revenue Village, Thiruvannamalai Taluk & District incorporating the 9th respondent's name along with the petitioner's name, and restore the earlier patta that stood in the petitioner's name alone till the suit proceedings in O.S.No.136/2020 on the file of Additional District Judge, Thiruvannamalai reaches finality.

For Petitioner : Mr.N.Elumalai

For R1 to R8 : Mr.Abishek Murthy
Government Advocate

ORDER

The relief sought for in the present writ petition is to direct the 3rd respondent to consider the petitioner's representation dated 16.02.2023 and consequently, to cancel the joint patta No.2407 of Sorakulathur Revenue



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Village, Thiruvannamalai Taluk & District incorporating the 9th respondent's name along with the petitioner's name, and restore the earlier patta that stood in the petitioner's name alone till the suit proceedings in O.S.No.136/2020 on the file of Additional District Judge, Thiruvannamalai reaches finality.

2. The grievance of the writ petitioner is that during the pendency of the civil dispute, the Tahsildar issued joint patta in the name of the 9th respondent. To cancel the said joint patta, the petitioner submitted a representation on 16.02.2023 and the said representation is yet to be considered and therefore, the petitioner is constrained to move the present writ petition.

3. The Revenue Authorities are incompetent to declare title or ownership in respect of the immovable properties. Only in the event of establishing title or ownership, the competent authority is empowered to grant patta by following the procedures as contemplated under the Patta Pass Book Act. In the event of any civil dispute, the parties are to be relegated to resolve the issues through the Competent Civil Court of Law and thereafter, approach the authorities for grant of patta.



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4. In the present case, Civil Suit was instituted in O.S.No.136 of 2020 and a preliminary decree was passed by the Trial Court. Again an Appeal Suit was filed and the 9th respondent also filed a cross objection in the Appeal Suit. That being the factum, the Revenue Authorities cannot issue any joint patta or mutation of records or otherwise. They have to await for the final result in the civil dispute. In another words, only after the civil dispute reaches finality, the authorities would be in a position to grant patta or cancel the same or otherwise.

5. In view of the fact that the joint patta has been granted during the pendency of the Appeal Suit, all such revenue proceedings are kept in abeyance, till such time the civil dispute reaches finality. After crystallisation of the rights of the parties, before the Civil Court either of the parties is at liberty to approach the competent authority for grant of patta or its cancellation or otherwise in the manner known to law.

6. The revenue records now kept in abeyance shall be registered in the Suit Register till the civil disputes are resolved between the parties.



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7. Accordingly, this Writ Petition stands disposed of. No costs.

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Jeni

Index : Yes

Speaking order

Neutral Citation : Yes

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S.M.SUBRAMANIAM, J.

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