



W.P.No.13392 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.13392 of 2023

J.Krishnamurthi

... Petitioner

Vs

1.The Sub Collector,
Collectorate,
Tirupattur,
Vellore District.

2.The Tahsildar,
Vaniyambadi Taluk,
Vellore District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the proceedings, in Memorandum dated 28.11.2019 in Mu.Mu.A4.3108/2019, on the file of the second respondent, and to quash the same and to direct the second respondent to transfer the name of the petitioner in all the revenue records and to issue Patta in the name of the petitioner, for the lands to an extent of Ac.1.88 cents of agricultural lands in S.No.463.1A1, in Nimmiyampattu Village, Vaniyambadi Taluk, Vellore District.

For Petitioner	: Mrs.Supriya for Mr.P.Raja
For Respondents	: Mr.D.Ravichander Special Government Pleader



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ORDER

The order impugned dated 28.11.2019 indicates that the application submitted by the petitioner for grant of patta cannot be considered in view of the pendency of the civil suit before the competent Civil Court of law.

2. The petitioner submitted an application for transfer of patta and the Tahsildar on verification found that a civil suit was instituted against the vendor's brother of the petitioner in O.S.No.324 of 2017 on the file of the Sub Court, Vaniyambadi.

3. It is not in dispute that the civil suit instituted is pending as of now and therefore the Revenue Authorities are not empowered to issue patta or entertain an application during the pendency of the civil dispute. Patta Passbook Act itself indicates that the Revenue Authorities cannot decide the title dispute between the parties. Only in the event of establishing the title or ownership through documents, the patta is to be granted by following the procedures as contemplated. An appeal is contemplated under the provisions of the Patta Passbook Act.

4. In the present case, the civil dispute between the parties are



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pending in O.S.No.324 of 2017 and therefore the Revenue Authorities have no authority to issue patta or transfer of name in the patta or its cancellation or otherwise. All such applications submitted are to be considered only after resolving the civil dispute between the parties through the competent Civil Court of law. This being the legal position. The petitioner is at liberty to submit an application after resolving the civil dispute now pending before the competent Civil Court of law.

5. With the above observations, the Writ Petition stands dismissed.

There shall be no order as to costs.

01.06.2023

Index : Yes/No

Speaking Order : Yes/No

Sgl

To

- 1.The Sub Collector,
Collectorate, Tirupattur,
Vellore District.
- 2.The Tahsildar,
Vaniyambadi Taluk,
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S.M.SUBRAMANIAM, J.

Sgl

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