



WEB COPY

W.P.No.15409 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.15409 of 2023

A.Shanthi

... Petitioner

Vs.

1.The Assistant Survey and
Settlement Officer (North)
Chepauk
Chennai – 600 005.

2.The Tahsildar
Kanchipuram Taluk
Kanchipuram – 631 501
Kanchipuram District.

3.The Executive Officer
Arul Migu Ekambaranathar Thirukkcoil
Kanchipuram.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 28.09.2022, to issue a Patta as per the petitioner's application pending in E.1/3155/2019 on the file of the 1st respondent's Office.



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For Petitioner	: Mr.R.Anbalagan
For R1 & R2	: Mr.D.Ravichander Special Government Pleader
For R3	: Mr.R.Bharanidharan

ORDER

The relief sought for in the present writ petition is to direct the 1st respondent to consider the petitioner's representation dated 28.09.2022, to issue a Patta as per the petitioner's application pending in E.1/3155/2019 on the file of the 1st respondent's Office.

2. The learned counsel appearing on behalf of the 3rd respondent / Temple brought to the notice of this Court that Civil disputes are pending between the parties. More specifically, S.A.No.1132 of 2019 is pending before the High Court of Madras. When the civil disputes are pending before the Court of law, the Revenue authorities are incompetent to issue patta or cancel of patta or mutate the revenue records.



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3. All such actions are initiated only after resolving the civil disputes between the parties. The Patta Passbook Act itself contemplates that the authorities during the pendency of the civil dispute shall not issue patta or cancel it or otherwise. In the event of issuing patta during the pendency of civil dispute, the same would cause prejudice to either of the parties and there is a possibility of taking undue advantage. Therefore, the Revenue Authorities are expected to exercise restraint in considering such applications filed for grant of patta, its cancellation or otherwise in the event of pendency of civil suit before the competent civil court of law.

4. In the present case, the Second Appeal is pending before the High Court and therefore, the respondents are restrained from conducting an enquiry or issuing any patta or cancel the patta already cancelled. All such proceedings are to be kept in abeyance till such time the civil litigations are concluded between the parties. After reaching finality, any of the party is at liberty to approach the Revenue Authority for the purpose of issuance of patta or its cancellation in the manner known to law.



5. With these directions, this Writ Petition stands disposed of. No costs.

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Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To

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S.M.SUBRAMANIAM, J.

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