



W.P.No.14214 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.14214 of 2023

and

W.M.P.No.13772 of 2023

1. Marappan

2. Nataraj

... Petitioners

Vs.

1. The District Revenue Officer,
Erode, Erode District-638011.

2. The Revenue Divisional Officer,
Gobichettipalayam, Erode District.

3. The Revenue Tahsildar,
Sathiyamangalam, Erode District.

4. Mrs.Saraswathi

5. Mr.Karichchiyannan @ Karuppusamy

6. Mr.Nadhagopal

7. Mr.Sivakumar

8. Mr.Thirumoorthy

...Respondents



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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 records of the impugned order dated 24.02.2023 vide Na.Ka.No. 1408 / 2023 / 02 passed by the 1st respondent and the impugned order dated 06.12.2022 vide Na.ka.No 2419 / 2021/A2 passed by the 2nd respondent quash the same and consequently direct the respondents 1 to 3 to remove the name of thee 4th to 8th respondent from revenue records of the Survey No.310/5A, 310/5B, 310/5C and 310/5D in Nallur Village, Sathiyamangalam Taluk, Erode District, and include the petitioners' name.

For Petitioners : Mr.K.Vasanthanayagan

For Respondents :
(for R.1 to R.3) : Mr.S.Ravichandran, AGP

ORDER

The order impugned passed by the District Revenue Officer, Erode states that the Civil Suit in O.S.No.106 of 2022 is pending on the file of the District Munsif Court at Sathiyamangalam. Further, it is not in dispute that the suit is for permanent injunction instituted by the contesting respondents in the present writ petition.



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2. When a civil suit is pending between the parties, the Revenue authorities cannot issue any patta or otherwise under the provisions of the Patta Passbook Act. Parties, after establishing their right before the Civil Court of law, have to approach the competent Revenue Authority for issuance of patta, cancellation of patta or mutation of revenue records or otherwise. The revenue authorities are incompetent to adjudicate the title dispute between the parties. Only if the ownership/title has been established through documents, the authorities would be in a position to issue patta or cancel patta.

3. Whenever a suit is instituted, irrespective of the fact that whether it is a suit for a permanent injunction or for title or otherwise, the parties have to resolve the dispute, and only after reaching finality in the civil dispute, the revenue authorities have to consider the application, if any, submitted for the purpose of grant of patta, its cancellation or mutation or otherwise.

4. When the order impugned itself reveals that a Civil Suit between the parties is pending, the revenue proceedings are to be kept in abeyance till such time the civil litigations are concluded.



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5.In view of the facts and circumstances, all the revenue proceedings are to be kept in abeyance and the competent authority shall register the same in the appropriate register and only after disposal of the civil litigation between the parties and after the case reaches its finality, the parties are at liberty to file an application for grant of patta, its cancellation or otherwise.

6.With these observations, the writ petition stands **disposed of**. No costs. Consequently, connected miscellaneous petition is closed.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

01.06.2023

To

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Gobichettipalayam, Erode District.
3. The Revenue Tahsildar,
Sathiyamangalam, Erode District.



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S.M.SUBRAMANIAM. J.,

(sha)

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