



WEB COPY

W.P.No.13829 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.13829 of 2023

and

W.M.P.Nos.13489 & 13491 of 2023

G.Mani

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by Commissioner and Secretary to
Revenue Department,
Fort St. George, Chennai – 600 009.

2.District Revenue Officer,
Thiruvallur,
Thiruvallur District.

3.Sub Collector / Revenue Division Officer,
Tiruvallur,
Thiruvallur District.

4.Tahsildar Aavadi Taluk,
Aavadi.

5.O.Velu

6.O.Murugan

7.B.Onappan

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the District Revenue Officer/Second Respondent under proceedings No.Na.Ka. 241688/2022/No.1 dated 15.02.2023, quash the same and direct the respondents to restore the petitioners patta 837, setting aside the patta No. 1867 transferred under T.R.2021/0103/01/209988TR dated 02.03.2021 in the name of the petitioner.

For Petitioner	: Mr.A.Prabhakaran Reddy For M/s. APR Associates
For R1 to R4	: Mr.D.Ravichander Special Government Pleader
For R5 to R7	: Mr.M.Jaya Kumar

ORDER

The order passed by the District Revenue Officer, Tiruvallur in proceeding dated 15.02.2023 is sought to be quashed in the present writ petition. Further direction is sought for to restore the the petitioner's patta 837.



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2. The petitioner states that he is the absolute owner of the subject property described in the present writ petition. Admittedly, civil dispute exist between the petitioner and the respondents 5 to 7. That apart, the Civil Suit instituted between the parties in O.S.No.171 of 2021 is pending on the file of the Subordinate Court at Ponneri. Patta has already been granted in favour of the writ petitioner based on the decree granted in the year 2001. The said patta was questioned by the respondents 5 to 7 and they preferred an Appeal before the District Revenue Officer, Tiruvallur.

3. The District Revenue Officer conducted an elaborate enquiry by recording the statement of the parties and made a finding that the dispute of civil natured cannot be adjudicated in a patta proceedings under the provisions Tamil Nadu Patta Pass Book Act, 1983. Therefore, the parties are relegated to resolve the issues through the Civil Court of Law in a pending suit instituted in O.S.No.171 of 2021. Yet another suit in O.S.No.255 of 2023 is also pending on the file of District Court, Tiruvallur.

4. When two Civil Suits are pending between the parties the revenue authorities may not be in a position to issue patta, cancel the patta or mutate the patta. In the event of no dispute pending, the Revenue Authorities have to



issue patta and if the civil disputes are pending between the parties, then all such applications seeking the changes in the revenue register needs to be rejected.

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5. In the present case, the District Revenue Officer in clear terms held that the parties after disposal of the civil cases may approach the Revenue Authorities for the purpose of passing appropriate orders. Such a decision cannot be construed as perverse. In fact in consonance with the provisions of the Tamil Nadu Patta Pass Book Act, 1983.

6. Thus, the petitioner is at liberty to contest the case before the Civil Court in pending suits and only after the disposal of the civil cases, either of the parties is at liberty to approach the Revenue Authorities for the purpose effecting the necessary changes in the revenue records. Untill the civil disputes are resolved between the parties, all the revenue proceedings and changes made in the revenue records are kept in abeyance.



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

Consequently, connected Miscellaneous Petitions are closed.

WEB COPY

17.07.2023

Jeni

Index : Yes

Neutral Citation : Yes

Speaking order

To

- 1.The Commissioner and Secretary to
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- 2.The District Revenue Officer,
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S.M.SUBRAMANIAM, J.

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