



W.A.No.2308 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.2308 of 2021

E.Harinath

.. Appellant

Vs.

1.The District Collector,
Office of the Collectorate,
Kanchipuram-631 501.

2.The District Revenue Officer,
Kanchipuram District,
Collectorate Office,
Kanchipuram-631 501.

3.The Sub-Collector,
Office of the Sub-Collector,
Chenglepet.

4.The Tahsildar,
Thirupporur Taluk,
Thirupporur,
Kanchipuram District.

5.M.Natesan

.. Respondents

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Prayer : Appeal filed under Clause 15 of the Letters Patent against the order of the learned Single Judge dated 14.6.2021 mad in W.P.No.27031 of 2018.

For the Appellant : Mr.J.Ravikumar

For the Respondents : Mrs.R.Anitha
Spl. Government Pleader
for respondents 1 to 4

: Mr.V.Raghavachari
Senior Counsel
for Mr.M.Deivanandam
for respondent No.5

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.J.Ravikumar, learned counsel for the appellant; Mrs.R.Anitha, learned Special Government Pleader for respondents 1 to 4; and, Mr.V.Raghavachari, learned Senior Counsel for Mr.M.Deivanandam, learned counsel for the fifth respondent.



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2. The present appellant is the original petitioner in the writ petition bearing No.27031 of 2018. The said writ petition was filed being aggrieved by the order passed by the second respondent dated 16.8.2018 confirming the order passed by the third respondent in the writ petition.

3. The whole issue is with regard to the grant of patta in the name of a particular person.

4. The learned Single Judge under the impugned order did not interfere with the order passed by the respondent authorities and held that it is for the civil court to decide the issue of title. The learned Single Judge further observed that while deciding the civil suit, the civil court shall not take into account any of the findings either of the revenue authorities in the impugned orders or of the writ court.



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5. Learned counsel for the appellant/writ petitioner submits that patta was issued in favour of the predecessor-in-title of the appellant in the year 2007. The present respondent No.5 has filed a civil suit in the year 2014 seeking declaration of his ownership and also challenged various sale deeds executed by the predecessor-in-title of the appellant/writ petitioner. The said suit is pending. In view of the fact that the civil suit is pending, the revenue authorities ought not to have entertained the application filed by the fifth respondent and passed orders cancelling the patta granted in the year 2007.

6. To buttress his submission that the revenue authorities should not have decided the matter and ought to have awaited the decision of the civil court, learned counsel for the appellant relies upon the judgment of a Division Bench in W.A.No.2585 of 2018, dated 02.1.2019 (*Madras Litrex Private Limited and others v. M/s.Shree Arunachala Foundations Private Limited, rep. by its*

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Managing Director R.Ravi and others). Learned counsel submits that the Division Bench of this Court in the said judgment held that when there is a dispute regarding title, the authority concerned has to direct the parties to approach the civil court without making any alternation in the patta.

7. Learned counsel for the appellant submits that one Sathyanarayana Reddy was the original owner of the property. He had executed a power of attorney in favour of Prabha Irudhaya Mary, who subsequently sold the property in favour of the fifth respondent. In fact, the said power of attorney was cancelled. In view of that, respondent No.5 would not get any right.

8. Per contra, learned Senior Counsel for the fifth respondent submits that the power of attorney was cancelled after the sale deed was executed and valid title has passed in favour of the fifth respondent. The encumbrance that the sale



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deed is already executed in favour of the fifth respondent was recorded in the relevant record. As such, it cannot be said that the appellant/writ petitioner is a *bona fide* purchaser.

9. It is trite that the revenue authorities cannot decide the issue of title. It is only the competent civil court which has the jurisdiction to decide the issue of title/ownership.

10. The entries in the revenue record are meant for fiscal purposes. The revenue authorities are also bound by the judgment delivered by the civil court with regard to title. In view of that, the issuance of patta in favour of "A" or "B" person would not affect the litigation before the civil court. On the contrary, if patta is issued by the revenue authorities, the same would be subject to the decision of the civil court and the decision of the civil court would prevail over any patta being granted. The revenue authorities are required to abide by the judgment of the civil court.



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11. Under the order impugned before the learned Single Judge, the patta is not issued in favour of the fifth respondent, nor in favour of the present appellant/writ petitioner. The patta was issued in favour of one Prabakaran in the year 2007 and under the impugned order the same is cancelled and directed to be issued in the name of the original owner Sathyanarayana Reddy.

12. The learned Single Judge has observed that the civil court would not be influenced by any of the observation made by the revenue authorities and/or of the writ court while passing the order. The civil court certainly has to decide the matter on the basis of the evidence adduced before it.

13. In view of the fact that the patta today stands in the name of the original owner, who undisputedly was the owner, and the parties are fighting amongst themselves, we do not find that



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the learned Single Judge has committed any error while not interfering at this stage and observing that the civil court will decide the proceedings on its own merits. Viewed further, we add that, it is the judgment of the civil court that would conclusively determine the title of a person and the same would bind the parties and the revenue authorities also.

With these observations, the writ appeal stands disposed of.
There will be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No
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