IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2023

CORAM

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.17862 of 2023and
W.M.P.No.16986 of 2023

Senthil ... Petitioner

Vs

1.The District Collector,
Office of the Collectorate,
Cuddalore District.

2.The District Revenue Officer,
Collectorate Campus,
Cuddalore District.

3.The Revenue Divisional Officer,
Cuddalore District, Cuddalore.

4.The Tahsildar,
Panrutti Taluk, Cuddalore District.

5.Devanathan ... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the impugned order in Na.Ka.A7/2392/2021 dated 03.09.2022 passed by the 3rd respondent and quash the same, consequently direct the 3rd respondent to restore the patta in the name of the petitioner.

For Petitioner : Mr.K.Balu

For Respondents : Mr.T.Arunkumar
Additional Government Pleader
for R1 to R4

ORDER

The order dated 03.09.2022 passed by the 3rd respondent / Revenue Divisional Officer, Cuddalore is sought to be quashed in the present writ petition.

2. The petitioner states that he is an absolute owner of the properties more fully described in the present writ proceeding. The 5th respondent filed an application for cancellation of patta originally granted in the name of the petitioner. The Revenue Divisional Officer cancelled the patta by allowing the application filed by the 5th respondent. The petitioner preferred revision petition before the District Revenue Officer who in turn rejected the revision petition filed by the writ petitioner on the ground that the civil suit in O.S.No.222 of 2019 is pending and as per the Circular issued by the Commissioner of Land Administration dated 13.03.2018. Pendency of civil suit is a bar for entertaining an application under the Patta Pass Book Act, 1983.

3. Curiously, the District Revenue Officer has followed the Circular

of the Commissioner of Land Administration. However, the very same Circular has not been followed by the Revenue Divisional Officer, Cuddalore. Therefore, the District Revenue Officer ought to have set aside the order passed by the Revenue Divisional Officer based on the Circular issued by the Commissioner of Land Administration and keep all the revenue proceedings in abeyance, till such time the civil disputes are resolved between the parties before the competent Civil Court of Law. Contrarily, the District Revenue Officer has rejected the application filed by the petitioner which is directly in violation of the Circular issued by the Commissioner of Land Administration on 13.03.2018. The revenue authorities are incompetent to adjudicate the disputed issues regarding civil rights between the parties. Pendency of a civil suit between the parties is a bar for entertaining an application for grant of patta, cancellation of patta or mutation of revenue records. In the event of granting patta or cancellation of patta, it will cause prejudice to any one of the parties as the parties may take undue advantage of such findings made by the revenue authorities. More so, patta is not a document to establish title. The parties are bound to establish their title, ownership, possession independently based on the documents and evidences available on record. The revenue documents are issued only based on the title documents and other connected evidences. That being the scope of Patta Pass Book Act, the revenue authorities at no circumstances can venture into an adjudication of civil disputes to grant patta, cancel patta or mutate the revenue records during the pendency of the civil suit. In all such circumstances, the revenue proceedings are to be kept in abeyance, till such time the civil disputes reach finality between the parties. Thereafter the parties under Section 14 of the Patta Pass Book Act may submit an application for making necessary entry and to issue appropriate orders. This is the scope of the provisions of the Patta Pass Book Act and the powers of the revenue authorities conferred under the Act.

4. In the present case, the Revenue Divisional Officer exceeded his jurisdiction by cancelling the patta which was granted long back in favour of the petitioner. More so, he cancelled the patta when O.S.No.222 of 2019 was pending before the Sub Court, Panruti. The District Revenue Officer though rightly rejected the revision petition filed by the petitioner, failed to set aside the order passed by the Revenue Divisional Officer inspite of the fact that he is empowered to set aside the order passed by the Revenue Divisional Officer.

5. The learned Additional Government Pleader appearing for the respondents 1 to 4 also brought to the notice of this Court that steps are taken by the official respondents to cancel the orders which all are passed during the pendency of the civil suit based on the Circular issued by the Commissioner of Land Administration.

6. In view of the facts and circumstances, the respondents 1 to 4 are directed to pass appropriate orders keeping all the revenue proceedings in abeyance or cancel the orders passed during the pendency of the civil suit and entertain an application from either of the parties only after the final disposal of the civil litigation between the parties. Accordingly, the Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

20.06.2023

Index : Yes/ No

Speaking order : Yes /No

Sgl

S.M.SUBRAMANIAM, J.

Sgl

To

1.The District Collector,
Office of the Collectorate,
Cuddalore District.
2.The District Revenue Officer,
Collectorate Campus, Cuddalore District.
3.The Revenue Divisional Officer,
Cuddalore District, Cuddalore.
4.The Tahsildar,
Panrutti Taluk, Cuddalore District.

W.P.No.17862 of 2023

20.06.2023