



W.P.No.18446 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.18446 of 2021
and
W.M.P.No.19671 of 2021

Pradeep Kumar

... Petitioner

Vs.

1.The District Revenue Officer,
Cuddalore District.
Cuddalore.

2.The Revenue Divisional Officer,
Vriddhachalam Taluk,
Cuddalore District.

3.The Tahsildar,
Thittakudi Taluk,
Cuddalore District.

4.Rajan @ Rajadurai

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 12.03.2018 vide proceedings No.Na.Ka.V3/27103/2014 passed by the First Respondent and quash the same as illegal and unconstitutional and consequently direct the Respondents to restore the Patta in Patta No.368, 459 & 777 in favour of the petitioner which relates to the property measuring an extent of Ac.0.78 Cents comprised in Survey No.25/1, Ac.1.50 cents in Survey No.26/4B, Ac.1.17 cents in Survey No.3/1C1, Ac.1.60 cents in Survey No.26/2, all the above lands are situated at Pulivalam Village, Tittakudi Taluk, Cuddalore District.

For Petitioner	: Mr.L.Chandrakumar
For R1 to R3	: Mr.C.Jayaprakash, Government Advocate
For R4	: No appearance

ORDER

The Writ Petition has been instituted to quash the order dated 12.03.2018 passed by the 1st respondent and to direct the respondent to restore the patta granted in favour of the petitioner.



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2. Admittedly, civil dispute is pending between the petitioner and the 4th respondent. In this regard, three Civil Suits have been instituted in O.S.Nos.73 of 1997, 199 and 224 of 2014, which all are pending before the competent Civil Court of law.

3. Under the provisions of the Tamil Nadu Patta Pass Book Act, 1983, during the pendency of the Civil Suit, the revenue authorities are incompetent to issue patta or for making any changes in the revenue records. In the event of making any such changes during the pendency of a Civil Suit, the same would cause prejudice to either of the parties.

4. Patta would not confer title or ownership. Therefore, the parties have to establish their respective rights in a Civil Suit, pending on the file of the Civil Court of law. Thus, all the revenue proceedings pertaining to the subject property are to be kept in abeyance, till such time, the rights between the parties are crystallized through the Civil Suits that has been instituted.



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5. Accordingly, revenue proceedings are kept in abeyance and the parties at liberty to establish their rights before the competent civil court of law. After disposal of the civil suit and reaching finality, either the party is at liberty to submit an application under the provisions contemplated under the Tamil Nadu Patta Pass Book Act and in such circumstances, the revenue authorities consider the same on merits in accordance with law.

6. With these clarifications, this Writ Petition stands disposed of. Consequently, the connected miscellaneous petitions are closed. No costs.

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skr
Index : Yes
Speaking order



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- To
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S.M.SUBRAMANIAM, J.

skr

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