



W.P.No.19688 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.19688 of 2019
and W.M.P.No.19206 of 2019

1.S.Pushparaj
2.Arokia Vennila

...Petitioners

Vs.

1.The District Collector,
Cuddalore District,
Cuddalore.

2.The Revenue Divisional Officer,
Viruthachalam Revenue Division,
Viruthachalam, Cuddalore District.

3.The Tahsildar,
Viruthachalam Tahsildar,
Viruthachalam, Cuddalore District.

4.Deivasigamani

5.Velusamy

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to the



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proceeding in Na.Ka.Aa4/257/2016 dated 14.05.2018 on the file of the second respondent [the Revenue Divisional Officer of Viruthachalam, Cuddalore District] and quash the same.

For Petitioners : Mr.V.Rajendran
For R1 to R3 : Mr.T.Arunkumar
Additional Government Pleader
For R4 & R5 : Mr.R.Jayaram

ORDER

The order passed by the Revenue Divisional Officer cancelling the patta stood in the name of the writ petitioners is under challenge in the present writ petition.

2.The petitioners state that they are the absolute owners of the subject property described in the present writ petition. There is a counter claim by the respondents 4 and 5 in respect of the same property. Originally, patta was granted in the name of the petitioners. The respondents 4 and 5 preferred an appeal before the Revenue Divisional Officer, who in turn by conducting an enquiry cancelled the patta granted in the name of the writ



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petitioners. Thus, the petitioners are constrained to move the present writ petition.

3. Admittedly, a civil suit between the parties is pending before the Sub Court, Ulundurpet in O.S.No.156 of 2018. During the pendency of the civil suit between the parties, the revenue authorities cannot issue any revenue proceedings thereby causing prejudice to either of the parties. In such circumstances, the parties are to be relegated to resolve the issues through the civil court of law and only after disposal of the civil suit and reaching finality, the applications are to be submitted for grant of patta, cancellation of patta or to mutate the revenue records, as the case may be. Since the civil suit is pending between the parties, all the revenue proceedings are kept in abeyance till such time the civil disputes are resolved between the parties. After resolving the issues, either of the party is at liberty to approach the revenue authorities for appropriate relief under the provisions of the Patta Passbook Act or under the relevant statutes.



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S.M.SUBRAMANIAM, J.

cse

4. With these directions, the writ petition stands disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

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cse

Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order

To

1. The District Collector,
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Viruthachalam Revenue Division,
Viruthachalam, Cuddalore District.
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Viruthachalam Tahsildar,
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