



WEB COPY

W.P.No. 21019 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 21019 of 2023

1.Krishnaveni

2.Ratna

... Petitioners

Vs.

1.The District Collector,
Office of the District Collector,
Sathuvachari,
Vellore District,
Vellore.

2.The District Revenue Officer,
Office of the District Collector,
Sathuvachari,
Vellore District,
Vellore.

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

4.The Deputy Tahsildhar,
Office of Deputy Tahsildhar,
Vellore Taluk,
Vellore District.

5.The Village Administrative Officer,
Abdullapuram Village,
Vellore Taluk and District,
Vellore.



6.Radharukmani

7.Podhumani

... Respondents

Prayer: Writ Petition filed Under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the entire records pertains to notice issued by the second respondent dated 30.05.2023, made in Na.Ka.D3/16410/2023 and to quash the same as illegal.

For Petitioners

: Mr.A.Gouthaman

For Respondents

: Mr. D.Ravichander

Special Government Pleader
for R1 to R5

ORDER

The District Revenue Officer issued the enquiry notice in proceedings dated 30.05.2023, which is under challenge is the present writ petition.

2. The contention of the petitioner is that title dispute between parties are pending before the competent civil court of law and the civil suits instituted are in progress. While so, the respondents 6 and 7 have approached the revenue authorities for transfer of patta by removing the name of the writ petitioner from the revenue records. The Revenue Divisional Officer elaborately considered the claims of the parties and held that the civil disputes cannot be adjudicated by the Revenue Authorities and accordingly granted liberty to the petitioners to resolve the issues through civil court of law in the pending suit. The Revenue Divisional Officer



directed the respondents 6 and 7 to contest suit for appropriate remedy.

However, the respondents 6 and 7 filed an appeal before the District Revenue Officer under the provisions of the Patta Passbook Act. Notice was issued to the petitioner and the petitioner filed the present writ petition.

3. Learned counsel for the petitioner states that the civil suits are pending and there is no reason whatsoever for the District Revenue Officer to issue enquiry notice. Such appeal ought to have been dismissed in limine instead of conducting an enquiry.

4. Statutory authorities are bound to hear the parties and take a decision and pass appropriate orders. This being the basic principles to be adopted, the appellate authority on receipt of an appeal has issued notice to the respondents for hearing the parties. The petitioner ought to have placed all these facts before the District Revenue Officer instead of filing the present writ petition.

5. The learned Special Government Pleader raised an objection by stating that the power of revision conferred on the District Revenue Officer are to be exercised in the manner contemplated under the Act. Once a



revision is filed, the authority competent is bound to issue notice to the parties for the purpose of conducting enquiry. No doubt, pending of civil suit is a bar for effecting changes in the revenue records. However, the authorities competent under the Act must be allowed to exercise their powers in the manner contemplated. The authorities while conducting an enquiry is bound to consider all these aspects including the pendency of civil suits between the parties. However, entertaining a writ petition at the enquiry stage is not preferable since the enquiry notice per se would not provide a cause.

6. In view of the facts and circumstances, the respondent District Revenue Officer is directed to proceed with the enquiry and conclude the same by hearing the parties, as expeditiously as possible, preferable within a period of six weeks from the date of receipt of a copy of this order.

7. With these directions, the writ petition stands disposed of. There will be no order as to costs.

20.07.2023

mrn

Index : Yes / No

Speaking order / Non-Speaking order



To

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S.M.SUBRAMANIAM, J.

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