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W.P.Nos.27023 & 27024 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.27023 & 27024 of 2014

and

M.P.Nos.1 to 4 of 2014 & 1 to 4 of 2014

W.P.No.27023 of 2014:

1.M.Siluvai Muthu

2.M.Vincent Raj

3.M.John Raj

4.M.Anitha

... Petitioners

Vs.

1.Government of Tamil Nadu,
rep. by its Chief Secretary,
Fort St. George,
Chennai – 600 009.

2.The Principal Secretary and Commissioner
of Land Administration,
Chepauk,
Chennai – 600 005.

3.The District Revenue Officer,
Kancheepuram District,
Kancheepuram.



WEB COPY

W.P.Nos.27023 & 27024 of 2



4.The Collector,
Kancheepuram District,
Kancheepuram.

5.The Tahsildar,
Thiruporur,
Kancheepuram District.

6.Sri.S.Sivagnanam

... Respondents

W.P.No.27024 of 2014:

1.Mrs.R.Rathinam

2.David Raj

3.John

... Petitioners

Vs.

1.Government of Tamil Nadu,
rep. by its Chief Secretary,
Fort St. George,
Chennai – 600 009.

2.The Principal Secretary and Commissioner
of Land Administration,
Chepauk,
Chennai – 600 005.

3.The District Revenue Officer,
Kancheepuram District,
Kancheepuram.



4.The Collector,
Kancheepuram District,
Kancheepuram.

5.The Tahsildar,
Thiruporur,
Kancheepuram District.

6.Sri.S.Sivagnanam

... Respondents

Common Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the 4th respondent in Na.Ka.1231/2013, N4, dated 23.03.2013 and consequential order passed by the 5th respondent in Na.Ka.No.860/2013/AA2 dated 13.05.2013 and to quash the same as illegal and invalid.

For Petitioners

: Mr.B.Balachander

For R1 to R5

: Mr.R.Ramanlaal
Additional Advocate General
Assisted by Mr.G.Krishna Raja
Additional Government Pleader

For R6

: Mr.K.Venkateswaran
For Mr.V.Krishnamoorthy



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COMMON ORDER

The order passed by the 4th respondent in the patta proceedings dated 23.03.2013 and the consequential order passed by the 5th respondent in proceedings dated 13.05.2013 are under challenge in the present writ petitions.

2. The petitioners state that they are the absolute owners of the subject properties described in these writ petitions respectively. However, the 6th respondent is stating a counter claim title in respect of the very same property.

3. The learned Additional Advocate General appearing on behalf of the official respondents made a submission that the subject property has been classified as Anadheenam Land.

4. The learned counsel for the 6th respondent states that the Government order classifying the subject properties as Anadheenam Land has been reclassified.



5. However, the title dispute between the parties, which is of civil nature cannot be adjudicated in writ proceedings under Article 226 of the Constitution of India.

6. It is brought to the notice of this Court that all the petitioners in the writ petitions have already instituted Civil Suits in O.S.Nos.113 & 114 of 2013 on the file of District Munsif at Chengalpattu. That apart, the Second Appeal is also pending before the High Court. Thus, the title dispute between the parties are pending.

7. The learned Additional Advocate General states that the subject property is classified as Anadheenam land. As far as the Government is concerned, it is for the authorities to initiate all appropriate action by verifying the revenue records and the classifications made therein. As far as the private party is concerned, if they hold any documents in their favour, they are at liberty to establish their civil rights before the Competent Civil Court, where the Suits are already pending.



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8. As far as the patta proceedings are concerned, Section 3 of the Tamil Nadu Patta Pass Book Act, 1983 enumerates that the Tahsildar shall issue a patta pass book to every owner in respect of the land owned by them, on an application made in this behalf. Therefore, in the event of no dispute regarding ownership, an application under Section 3 of the Tamil Nadu Patta Pass Book act is entertainable and in the event of any dispute, no application is maintainable before the Tahsildar.

9. In such circumstances, the authorities are bound to relegate the parties to approach the Competent Civil Court of Law for the purpose of resolving the civil disputes. In the present case, the parties have already approached the competent Civil Court and the suits are pending.

10. That being the factum, the Revenue Authorities cannot issue any patta proceedings during the existence of civil disputes between the parties. Thus, all the revenue proceedings are kept in abeyance till such time the civil disputes between the parties are resolved. None of the parties can take undue advantage of the revenue proceedings made pursuant to the proceedings of the authorities. However, the parties are at liberty to



establish their case, only through documents and evidences available on record. Revenue proceedings can be relied to the extent permissible under Section 35 of the Indian Evidence Act.

11. Since, the Government is also claiming right in respect of the subject property, the necessary Government Authorities are also to be impleaded for the purpose of effective adjudication of the Suits, which all are pending before the Competent Civil Court of Law. The parties are directed to initiate all appropriate actions to implead the competent authorities in all the civil suits.

12. Accordingly, these Writ Petitions stand disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

21.08.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



To

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Chennai – 600 009.
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S.M.SUBRAMANIAM, J.

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