IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.21458 of 2023 &
W.M.P.No.20839 of 2023

L.Bhagirath ... Petitioner

Vs.

1.The Revenue Divisional Officer,
Cuddalore – 607 001.

2.Valli ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent the Revenue Divisional Officer to furnish the petition and document filed by the second respondent and also to receive the petitioner's document before passing any order in his proceedings Na.Ka.No.A7/4195/2021 dated 28.06.2023.

For Petitioner : Mr.Elephant G.Rajendran

For Respondent 1 : Mr.D.Ravichander,
Special Government Pleader

O R D E R

The relief sought for in the present writ petition is to direct the first respondent/Revenue Divisional Officer to furnish the petition and document filed by the second respondent and also to receive the petitioner's document before passing any order in his proceedings Na.Ka.No.A7/4195/2021 dated 28.06.2023.

2. The petitioner states that he purchased the subject property morefully described in the present writ petition. The patta also transferred in his name in the year 2014. Suddenly, the petitioner received an enquiry notice on 28.04.2023 from the first respondent/Revenue Divisional Officer asking the petitioner to attend the enquiry on 08.05.2023. The wife of the petitioner received the said notice on 08.05.2023 only. Since the petitioner was not available, he could not attend the enquiry on the said date. The second respondent and eight others filed a petition before the first respondent to cancel the patta issued in favour of the writ petitioner. A civil suit in O.S.No.32 of 2011 is also pending on the file of the Additional District Munsif Court, Cuddalore. When the civil suit between the parties are pending, the revenue authorities cannot conduct an enquiry for grant of patta, cancellation of patta or for mutation of revenue records.

3. Section 14 of the Tamil Nadu Patta Passbook Act, 1983 stipulates Bar of suits. Proviso clause states that if any person is aggrieved as to any right of which he is in possession, by an entry made in the patta pass book

under the Act, he may institute a suit against any person denying or interested to deny his title to such right, for a declaration of his rights under Chapter VI of the Special Relief Act, 1963 and the entry in the patta pass book shall be amended in accordance with any such declaration.

4. In the event of any civil suit pending, then the revenue authorities are expected to wait till such time, the suit is disposed of and based on the decree passed by the competent Civil Court, necessary entries are to be made in the revenue register. In the present case, the parties have already instituted the suit in O.S.No.32/2011 and in the event of issuing any order by the first respondent, the same would cause prejudice to either of the parties. More so, findings if any made by the first respondent will also affect the rights of the parties, since any one of the parties may take undue advantage of such revenue records.

5. In the present case, the patta was granted in favour of the petitioner in the year 2014 and even before that, the suit was instituted in the year 2011 which is pending.

6. That being the factum, the revenue proceedings ought to be kept in abeyance till such time, the parties resolve the dispute through the competent civil court of law. Patta or revenue proceedings would not confer any title or

ownership. Such right is to be established independently based on the documents and evidences on record before the civil court.

7. This being the principles, the revenue authorities during the pendency of the suit cannot entertain any application for grant of patta, cancellation of patta or mutation of revenue records.

8. This being the factum, all the revenue proceedings under the Patta Passbook Act shall be kept in abeyance, till such time, the parties resolve the dispute through the competent civil court of law. After the disposal of the civil suit, either of the parties are at liberty to submit an application for the purpose of effecting necessary changes in the revenue records.

9. With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

19.07.2023

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Note: Issue order copy **on 20.07.2023**.

Index : Yes/No
Speaking order/Non Speaking Order
Neutral Citation : Yes/No

To

1.The Revenue Divisional Officer,
Cuddalore – 607 001.

S.M.SUBRAMANIAM, J.

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