



W.P.No.22334 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.22334 of 2023

B.Shanmugapriya

... Petitioner

Vs.

1.The District Collector,
Tiruppur District,
Tiruppur.

2.The Revenue Divisional Officer,
Dharapuram,
Tiruppur District.

3.The Tahsildar,
Dharapuram,
Tiruppur District.

4.Usha Rani Seenu

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent to dispose of petitioner's appeal dated 29.05.2023 within a time frame.



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For Petitioner : Mr.P.Navaneethakrishnan

For R1 to R3 : Mr.C.Jayaprakash
Government Advocate

ORDER

The relief sought for in the present writ petition is to direct the second respondent to dispose of the petitioner's appeal dated 29.05.2023.

2.The petitioner states that she is the absolute owner of the property fully described in the present writ petition. The fourth respondent without impleading the writ petitioner obtained a Civil Court decree and based on which, the revenue records were altered. Accordingly, the Tahsildar issued joint patta in the name of the fourth respondent and the petitioner's husband. The petitioner subsequently instituted a civil suit in O.S.No.105 of 2023 on the file of the District Munsif Court, Dharapuram seeking appropriate relief which is pending. During the pendency of the civil suit, the petitioner filed an appeal before the Revenue Divisional Officer, Dharapuram to remove the name of the fourth respondent from the Patta Passbook. Since the said



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application was not considered, the petitioner is constrained to move the present writ petition.

3.The competent authority under the Patta Passbook Act is empowered to grant patta only if there is no dispute exist between the parties. In other words, Patta can be granted to the owner of a property and in the event of any dispute in respect of the immovable property, the parties are to be relegated to approach the competent Civil Court of law. In the present case, the name of the fourth respondent was included in the revenue records and a joint patta was granted to the writ petitioner. The writ petitioner subsequently instituted a suit which is pending as of now. Therefore, the Tahsildar again cannot be directed to conduct an enquiry and decide the issue which would cause prejudice to either of the parties. The parties have to adjudicate the issue before the Civil Court for establishing their rights. However, the existing revenue records cannot be relied upon for the purpose of conferring title. Thus, all the revenue proceedings are kept in abeyance till such time the disputes between the parties are resolved. After the disposal of the civil suit and reaching finality, either of the party is at liberty to approach the



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competent revenue authorities for grant of patta, cancellation of patta or to
mutate the records, as the case may be.

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

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



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S.M.SUBRAMANIAM, J.

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