IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.24979 of 2023
and
WMP.No.24401 of 2023

S.Harisaravanan ... Petitioner

Vs.

1.The District Revenue Officer,
Chennai,
Office of the Chennai Collectorate,
Chennai – 600 001.

2.The Revenue Divisional Officer,
South Chennai Division,
Guindy, Chennai – 600 032.

3.The Thasildar,
Sholinganallur Taluk,
Chennai – 600 119.

4.Angel Rani Jacob

5.K.Samundeeswari ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, direction to quash the order dated 22.11.2019 with reference No.A1/829/2019 passed by the 2nd Respondent as confirmed by the order dated Nil.08.2022 with reference No.Na.Ka.No.J7/1961/2020 passed by the 1st Respondent and consequently direct the 1 to 3 Respondents to cancel the illegal sub-division carried out by the 3rd Respondent in the petitioner's property situated in present Survey No.90/4A1A (Original Survey No.90/4A1 – New Survey No.90/4A3) of Pallikaranai Village, Sholinganallur Taluk, Chennai District (Formerly Kancheepuram District) and to carry out corresponding corrections of linear measurements in all the revenue records including Field Map Book, Patta, etc., in respect of present survey No.90/4A1A (Original Survey No.90/4A1 – New Survey No.90/4A3) of Pallikaranai Village, Sholinganallur Taluk, Chennai district (Formerly Kancheepuram District).

For Petitioner : Mr.S.M.Muralidharan

For Respondents 1 to 3 : Mr.T.Arun Kumar,
Additional Government Pleader

ORDER

The order, dated August 2022, passed by the District Revenue Officer confirming the order passed by the Revenue Divisional Officer under the provisions of Patta Pass Book Act is under challenge in the present writ petition.

2. The petitioner states that he purchased the subject property as described in the present writ petition for valuable consideration. After

purchase, the patta was granted in the name of the petitioner.

3. The learned counsel for the petitioner states that without the knowledge of the petitioner, the sub division was effected and the revenue records were mutated, without any information to the writ petitioner. Therefore, the petitioner submitted an application before the Revenue Divisional Officer to correct the mistakes and restore the revenue records in the name of the petitioner as per the sale deed executed and consequential patta granted in his name. The Revenue Divisional Officer adjudicated the issues and made a finding that the civil suits are pending in respect of the subject land and only after the disposal of the civil suits, the revenue authorities would be in a position to consider the claim of the writ petitioner. The petitioner preferred an appeal before the District Revenue Officer, who in turn confirmed the order passed by the Revenue Divisional Officer.

4. The learned counsel for the petitioner mainly contended that the revenue authorities themselves admitted the mistake in their own proceedings and therefore, the orders impugned are liable to be set aside.

5. Any finding to that extent in the present writ petition regarding the civil rights, would cause infringement to the rights of the other persons who all are defending their cases in the civil suits. In the event of findings regarding title or civil rights in a writ proceeding, the suits instituted will become an empty formality as the party benefited from and out of the findings of the High Court in the writ proceeding and may rely on the order of the High Court for the purpose of establishing such rights.

6. The power of judicial review of the High Court under Article 226 of the Constitution of India is to ensure the processes through which a decision has been taken by the competent authority is in consonance with the statutes and the rules in force, but not the decision itself. Therefore, the High Court while entertaining a writ petition is expected to be cautious in interfering with the civil rights during the pendency of the civil suits and any such finding undoubtedly would cause prejudice to any one of the parties in the civil suits and such findings are made normally without any adjudication and scrutinization of the original documents and evidence available on record.

7. That apart, the revenue authorities are incompetent to adjudicate the

title or ownership. The provisions of the Patta Pass Book Act cannot be expanded for the purpose of conferring any powers on the revenue authorities to adjudicate the civil rights of the parties.

8. In the present case, patta has already been granted in favour of the petitioner. However, sub divisions are made in the revenue records which is challenged by the petitioner. Admittedly, the civil suits in O.S.Nos.102, 355, 357, 561 and 571 of 2011 are pending and during the pendency of the civil suits, the revenue authorities may not be in a position to effect changes or alterations in the revenue records. Therefore, the petitioner after disposal of the suits and after reaching finality may file an appropriate application before the competent authority for the purpose of effecting changes in the revenue records by following the procedures as contemplated.

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

24.08.2023

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

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S.M.SUBRAMANIAM, J.

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