



W.P.No.25704 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.25704 of 2021
and
W.M.P.No.27142 of 2021

C.Illayamanikandan

... Petitioner

Vs.

1. The District Collector,
Collectorate, Krishnagiri District.

2. The District Revenue Officer,
District Revenue Office,
Collectorate, Krishnagiri District.

3. B. K. Murugan

4. M. Ananthalakshmi

5. M. Vadivel

6. M. Mahalingam

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, to call for the records of the 2nd respondent pertaining to the impugned order dated 27.7.2021 bearing proceedings No. Pa. Mu. 8310 / 2021 / J1 and quash the



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same and consequently direct the 2nd respondent to cancel the patta standing in the name of third parties and issue patta to the legal heirs of late Chennaiyan in respect of property situate at Barugur Taluk, Gramanatham Survey No. 675 / 3B2 of an extent of 0.04.50 hectares.

For Petitioner	: Mr.M.Selvam for Mr.M.Prem Kumar
For Respondents	:
(for R1 & R2)	: Mr.C.Jaya Prakash Government Advocate
(for R3 & R5)	: Mr.R.Ganesh Kumar
(for R4 & R6)	: No Appearance

ORDER

The order dated 27.07.2021, declining the request of the writ petitioner for grant of patta is under challenge in the present writ petition.

2. The petitioner states that he inherited the subject property from his father and accordingly submitted an application for grant of patta. Since the authorities have not considered the application, the petitioner earlier filed a writ petition in W.P.No.4164 of 2021 and this Court directed the authorities to consider the application and pass appropriate orders on merits.



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3. Pursuant to the directions issued by this Court, the District Revenue Officer, Krishnagiri, passed the impugned order in proceeding dated 27.07.2021, stating that a Civil Suit between the parties in O.S.No.22 of 2021, on the file of the District Munsif Court Krishnagiri is pending and therefore, the claim of the petitioner for grant of patta cannot be considered.

4. Under Section 3 of the Tamil Nadu Patta Passbook Act, 1983, a person holding title may submit an application for grant of patta. The competent authority, by conducting an inquiry, has to issue patta and in the present case, the civil dispute between the parties are pending before the Civil Court of Law. Thus, the Revenue Authorities cannot issue patta since the title is in dispute.

5. The learned counsel appearing on behalf of the third respondent made a submission that already a Civil Suit was institute by the third respondent wherein the Civil Court has granted a decree in favour of the third respondent. Therefore, the petitioner is not entitled for patta. All such disputed issues have to be adjudicated before the competent Civil Court.



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6. A suit has already been instituted by the petitioner in O.S.No.22 of 2021. High Court cannot conduct a roving inquiry in respect of the disputed issues regarding the title which is of Civil nature. The Revenue Authorities cannot issue patta during the subsistence of a Civil dispute between the parties. This being the factum and principles to be followed, the petitioner is at liberty to pursue his remedy in the pending Civil Suit in O.S.No.22 of 2021 and after disposal of the civil suit, either of the parties are at liberty to submit an application for grant of patta, cancellation of patta or to mutate the revenue records as the case may be.

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

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

08.08.2023

To



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S.M.SUBRAMANIAM. J.,

(sha)

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