



WEB COPY



W.P No.25305 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P No.25305 of 2023

&

W.M.P.No.24719 of 2023

A.Arul Prashanth

...Petitioner

Vs.

1. The District Revenue Officer,
O/o.The District Collectorate,
Dharmapuri 636 705.

2. The Revenue Divisional Officer,
O/o.The District Collectorate,
Dharmapuri - 636 705

3. The Tahsildar,
Karimangalam Taluk,
Dharmapuri District 635 111.

4. Saravanan

5. Bagyam

...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 consider the interim relief of stay of operation of the order dated 19.06.2023 in Ni.Mu.C.Pa.No.4071/2022/A1 on the file of the 3rd respondent, prayed for, in the pending Patta Appeal Petition dated



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30.06.2023, on the file of the 2nd respondent, till the disposal of the suit in O.S.No.177 of 2023 (filed on 07.07.2023) on the file of the Learned Subordiante Judge, Palacode and pass such further or other orders.

For Petitioner : Mr.R.Selvakumar

For Respondents No.1 to 3 : Mr.P.Sanjay Gandhi
Government Pleader

ORDER

The relief sought for in the present writ petition is to consider the interim relief of stay of operation of the order dated 19.06.2023 in Ni.Mu.C.Pa.No.4071/2022/A1.

2. Against the order of the Tahsildar, the petitioner preferred an appeal before the Revenue Divisional Officer under the provisions of Tamil Nadu Patta Passbook Act, 1983. Ultimately, a civil suit between the parties are pending in O.S.No.177 of 2023 on the file of the Sub-Court, Palacode. During the pendency of the civil suit, the Revenue authorities may not be in a position to consider the application / appeal filed under the provisions of the Patta Passbook Act, 1983.

3. In the present case, the petitioner seeks withdrawal of the appeal, which can be done by the petitioner himself. By not pressing the



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appeal, the petitioner may adjudicate the issues in the civil suit which is already pending. After disposal of the civil suit and on reaching finality, either of the parties are at liberty to submit an application for the purpose of grant of patta, cancellation of patta or to mutate the revenue records as the case may be. It is needless to state that during the pendency of the civil suit, the revenue proceedings alone cannot be relied upon for the purpose of establishing the case pending before the civil Court. Such patta proceedings or the revenue proceedings can be relied on to an extent contemplated under Section 35 of the Indian Evidence Act, 1872. Patta would not confer title and parties are bound to establish their case before the Civil Court based on documents and evidences available on record.

With these observations, the writ petition stands dismissed. No costs.

28.08.2023

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No

gpa/gvn



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S.M.SUBRAMANIAM, J.

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