



WEB COPY



W.P.No.25863 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2023

CORAM :

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

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Shri Vallabhacharya Charities,  
Rep. By its Trustee,  
Lodd Ramgopal, aged about 67 years,  
son of Lodd Mohankrishnadass  
No.110, Poonamallee High Road,  
Kilpauk, Chennai.

.. Petitioner

VS

1.The District Collector,  
Chennai District, Singaravelar Maligai, Chennai.

2.The Revenue Divisional Officer,  
Revenue Divisional Office, Guindy, Chennai – 28.

3.The Tahsildar,  
Greenways Road, Chennai.

4.Stella

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the second respondent to defer all further proceedings in Na.Ka.No.A1/4860/2022 on the file of the 2<sup>nd</sup> respondent, pending disposal of Original Suit No.4627 of 2023, on the file of the VI Additional City Civil Court, Chennai, concerning the subject property.



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For Petitioner : Mr.Abdukumar Rajarathinam,  
Senior Counsel  
for Mr.R.Harikrishnan

For Respondents : Mr.R.Ramanlaal  
Additional Advocate General IV  
for R1 to R3  
Mr.Naveenkumarmurthy  
for Mr.V.P.K.Gowtham  
for R4

ORDER

The relief sought for in the writ petition is to direct the second respondent to defer all further proceedings in Na.Ka.No.A1/4860/2022 on the file of the second respondent, pending disposal of the Original Suit No.4627 of 2023.

2. Admittedly, the writ petitioner herein has instituted a civil suit originally in C.S.No.949 of 2000 before the High Court of Madras. The said suit was transferred to the VI Additional City Civil Court, Chennai and re-numbered as O.S.No. 4627 of 2023 and pending.

3. Learned counsel for the petitioner mainly contended that an injunction granted by the civil court is in force and during the pendency of the civil suit, the Revenue Divisional Officer cannot



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decide title or civil right of the parties. Thus, the petitioner is constrained to file the present writ petition.

4. It is not in dispute that an appeal has been preferred before the Revenue Divisional Officer to cancel the patta granted in favour of the writ petitioner.

5. Learned Additional Advocate General made a submission that the enquiry is in progress and the parties to the proceedings have appeared before the Revenue Divisional Officer and submitted their respective defence statements along with the documents. The enquiry was conducted on 27.07.2023 and the Revenue Divisional Officer has to pass final orders. Earlier, the fourth respondent herein filed W.P.No.6974 of 2023 and this Court passed an order on 13.03.2023 directing the Revenue Divisional Officer to conduct enquiry and pass orders on merits and in accordance with law. Thus, the authority may be permitted to conclude the proceedings in all respects.

6. The Revenue Divisional Officer cannot decide the title in respect of the subject property. The enquiry is confined only with reference to the provisions of the Tamilnadu Patta Pass Book Act,



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1983 and if the patta granted is found to be bogus or otherwise, then the authority competent is empowered to cancel the same as per the procedures contemplated. However, the civil rights are to be declared only through the competent civil court of law and, therefore, the Revenue Divisional Officer is empowered to consider the issues relating to the provisions of the Tamil Nadu Patta Pass Book Act and pass appropriate orders on merits and in accordance with law.

7. Mere pendency of the civil suit is not a bar for passing orders in such nature of the proceedings, where the allegations of bogus patta has been raised. More so, the civil suit was instituted between two private parties and the relief sought for in the suit is for bare injunction. That being the factum, there is no impediment for the Revenue Divisional Officer to conclude the enquiry in all respects and pass final orders on merits and in accordance with law as expeditiously as possible. If the enquiry has not been concluded and further enquiry is to be conducted then the Revenue Divisional Officer shall give an opportunity to all the parties, including the writ petitioner.



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

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Index:Yes  
Neutral Citation:Yes  
ssm

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