



W.P.No.26483 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26483 of 2023
and
W.M.P.No.25891 of 2023

Ravi Mehara

... Petitioner

Vs.

1.The District Collector,
Coimbatore District,
Coimbatore.

2.The Tahsildar,
Madukarai Taluk,
Coimbatore District.

3.Mr.V.Thulasimani

4.Mr.Selvarathinam

5.Mr.S.Selvanayagi

6.Mr.S.Selvakrishna



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7.Mr.S.Selvasriram

8.The Sub-Registrar,
Madukarai,
Coimbatore South Registration District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order vide Ni.Mu.2885/2017 A5 dated 09.03.2018 and proceedings in T.R: 2018/0103/12/100140TR dated 10.04.2018 and proceedings in T.R.2022/0103/12/429363 dated 15.12.2022 passed by the 2nd respondent are illegal, invalid and unconstitutional and quash the same, consequently directing the 2nd respondent to remove the 3rd to 7th respondents names from patta bearing Nos.290, 288, 1391, 1393, 1392 restore to the petitioner's name in patta Nos.288, 290 and 90 in connection with Survey Nos.82, 83, 84, 85 and 86/1 total extent of 20.30 acres situated at Mavuthampathy Village, Madukkarai Taluk, Coimbatore District under the supervision of the first respondent.



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For Petitioner : Mr.V.Manohar
For R1 & R2 : Mr.T.Venkateshkumar,
Special Government Pleader

ORDER

The order passed by the Tahsildar, Madukarai Taluk, Coimbatore District cancelling the patta stood in the name of the writ petitioner is under challenge in the present Writ Petition.

2. The learned counsel for the petitioner mainly contended that the Tahsildar has failed to consider the fact that a Civil Suit has been instituted between the parties, which is pending. During the pendency of the Suit, the revenue authorities ought not to have transferred the patta, which would cause prejudice to the interest of the writ petitioner.

3. No doubt, patta can be granted to the owner of the property. An application is entertainable under Section 3 of the Tamil Nadu Patta Passbook Act, only if a person is able to establish that he is the owner of the property. When the title or ownership is in dispute and the Civil Suits are



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pending before the competent Court, then the revenue authorities shall not issue any patta or transfer of patta until the Civil Suits are resolved between the parties.

4. In all such circumstances, the revenue authorities have to entertain application only after the disposal of the civil litigations and on reaching finality. During the intermittent period, if the applications are entertained and the revenue proceedings are issued, the same would cause prejudice to either of the parties.

5. In view of the facts and circumstances, the revenue proceedings issued during the pendency of the Civil Suit are kept in abeyance, till such time the civil litigations between the parties are disposed of. However, the petitioner is at liberty to approach the Revenue Divisional Officer, who is the appellate authority for the purpose of cancellation of the order passed by the Tahsildar by following the procedures.



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6. With these directions, the Writ Petition stands disposed of.

Consequently, the connected Miscellaneous Petition is closed. No costs.

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Index : Yes

Speaking order

To

1.The District Collector,
Coimbatore District,
Coimbatore.

2.The Tahsildar,
Madukarai Taluk,
Coimbatore District.

3.The Sub-Registrar,
Madukarai,
Coimbatore South Registration District.



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S.M.SUBRAMANIAM, J.

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