



WEB COPY

W.P.No.31908 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.31908 of 2017

Kasikodi @ Rajeswari

... Petitioner

Vs.

1.The District Collector,
Erode District,

2.The District Revenue Officer,
Erode District.

3.The Sub Collector,
Gobichettipalayam,
Erode District.

4.M.Madheswaran

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, calling for the records of the 2nd respondent in Na.Ka.35153/2016/U4 dated 15.05.2017, quash the same and direct him to restore Patta No.180 granted to the petitioner for the property measuring 3.37.50 hectares in S.No.364 in O22, Perunthalaiyur Village, Bhavani TK, Erode District.



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For Petitioner	: M/s.M.Guruprasad
For R1 to R3	: Mr.E.Sunda Ram, Government Advocate
For R4	: Mr.A.Sivaji

ORDER

The order dated 15.05.2017 passed by the District Revenue Officer, Erode, cancelling the patta granted in favour of the writ petitioner is under challenge in the present writ petition.

2. The petitioner states that she has acquired right in respect of the property described in the writ petition. Her mother filed a Civil Suit in O.S.No.358 of 1994 against the brothers of the writ petitioner for bare injunction and the Suit was dismissed by the District Munsif Court, Gobi. She filed an appeal in A.S.No.131 of 1997 on the file of the Sub Court, Gobi and the said Appeal Suit was allowed. The brother of the writ petitioner filed Second Appeal in S.A.No.1464 of 1998 before the High Court and an interim stay was granted against the decree passed in the appeal, which is pending before this Court.



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3. When civil dispute between the parties are prejudiced before the competent Court of law, the revenue authorities are not expected to issue patta, cancel patta or mutate the revenue records. In the event of passing any such order during the pendency of the Civil Suit, the same would cause prejudice to either of the parties or anyone of the party may take undue advantage of such proceedings and thus, the revenue authorities are expected to exercise restraining in issuing such orders under the Tamil Nadu Passbook Act, 1983. More so, the revenue authorities are incompetent to adjudicate the disputed facts relating to civil nature. Mere issuance of patta or its cancellation would not confer any title or ownership to the parties. It would create unnecessary confusion and develop further dispute between the parties.

4. In the present case, the 2nd respondent / the District Revenue Officer, Erode, has rightly made an observation that the petitioner is at liberty to submit an application after disposal of the Second Appeal, which is now pending before the High Court.



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5. Thus, this Court do not find any infirmity in respect of the order impugned passed by the 2nd respondent and the petitioner is at liberty to submit an application after disposal of the civil litigations. In the event of any such application is filed, it to be considered in accordance with law.

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

13.07.2023

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Index : Yes

Speaking order

Neutral Citation : Yes

To

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S.M.SUBRAMANIAM, J.

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