



W.P. No. 22552 of 2017

.IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2023

CORAM

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. No. 22552 of 2017

and

W.M.P. No. 23681 of 2017

P.Paul Raj

... Petitioner

-VS-

1. The District Revenue Officer
Collectorate
Tiruvallur.

2. The Sub Collector (Revenue Divisional Officer)
Collectorate
Tiruvallur.

3. The Tahsildar
Tiruvallur Taluk
Tiruvallur.

4. Vidya Devarajan

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records of the first respondent pertaining to the proceedings in Rc.No.6070/2016(B3) dated 24.07.2017 and quash the same.



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For Petitioner : Mr. P.Valliappan
Senior Counsel
for M/s. PV Law Associates

For Respondents : Mr. D.Ravichander (R1 to R3)
Special Government Pleader

R4 – Not ready in notice

ORDER

The writ on hand has been instituted to call for the records of the 1st respondent pertaining to the proceedings in Rc.No.6070/2016(B3) dated 24.07.2017 and quash the same.

2. The petitioner states that he is the absolute owner in respect of the subject property more fully described in the present writ proceedings. Patta proceedings were initiated by the 4th respondent before the 2nd respondent / Sub-Collector, who in turn, passed an order, cancelling the patta that was originally granted in favour of the writ petitioner. Thus, the petitioner preferred an appeal before the DRO, who passed the impugned order.

3. The learned Senior counsel appearing on behalf of the writ petitioner mainly contended that the 1st respondent, while disagreeing with the findings of



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the Sub-Collector, not granted the relief as such sought for by the writ petitioner in the appeal. There is a contradiction in the findings in the impugned order and thus, the order is to be set aside. However, certain disputed facts of civil nature cannot be adjudicated by the Revenue authorities, more specifically in patta proceedings. Certain observations made during the course of adjudication cannot be construed as a binding precedent as far as the title or ownership is concerned. The parties are expected to establish the title or ownership independently by approaching the competent Civil Court of law. Thus, the findings, if any made either in favour of the petitioner or in favour of the 4th respondent cannot have binding effect, so as to defeat their case before the Civil Court and under these circumstances, it is preferable that the proceedings are kept in abeyance and all the revenue proceedings between the parties are resolved through the competent Court of law.

4. In view of the facts and circumstances, all the patta proceedings including the impugned order dated 24.07.2017 and 12.02.2016 are kept in abeyance till such time the parties resolve the civil disputes by approaching the competent Court of law or otherwise.



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WEB COPY 5. With these directions, the writ petition stands disposed of.

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

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Index : Yes

To

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S.M.SUBRAMANIAM, J.

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