



WEB COPY

W.P.No.24100 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.24100 of 2017

N.Narayana Reddy

... Petitioner

Vs.

- 1.The District Collector,
Krishnagiri District,
Krishnagiri.
- 2.The District Revenue Officer,
Krishnagiri District,
Krishnagiri.
- 3.The Sub-Collector, Hosur,
Krishnagiri District.
- 4.The Tahsildar
Denkanikottai Taluk,
Krishnagiri District.
- 5.Madhesh

6.C.Suresh Babu

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records



pertaining to the impugned order of the 2nd respondent herein dated 24.07.2017 bearing Pa.Mu.J2/32447/2016 and quash the same as illegal, incompetent and ultravires and consequently direct the 2nd respondent to take appropriate action against the 5th respondent.

For Petitioner	: Ms.R.S.Maitreya
For R1 to R4	: Mr.C.Jayaprakash Government Advocate
For R5	: Mr.N.Balamurali Krishnan
For R6	: Mr.J.Vasu

ORDER

The order dated 24.07.2017 passed by the 2nd respondent, rejecting the claim of the writ petitioner for grant of patta is under challenge in the present writ petition.

2. The petitioner states that his family owns lands at S.Nos.177, 179 and 193 in Thandarai Village, Denkanikottai Taluk, Krishnagiri District and the subject property is an ancestral property. The parties were litigating for partition of the said properties and Civil Suits were instituted in this regard.



3. The impugned order itself reveals that the case was taken up by way of second appeal before the High Court in S.A.No.215 of 2013, S.A.No.738 of 2012 and S.A.No.186 of 2012. During the pendency of the Second Appeal before the High Court, the District Revenue Officer, Krishnagiri rejected the appeal submitted by the petitioner for grant of patta.

4. Under the provisions of the Tamil Nadu Patta Pass Book Act, 1983, the authorities competent are empowered to grant patta only if there is no dispute existing between the parties. In other words, owner of the property is entitled for patta provided if he is able to establish his title. In the event of any dispute, even the Revenue Authorities are not empowered to adjudicate the disputed issues. Parties are to be relegated to the Civil Court of Law for the purpose of resolving the issues.

5. In the present case, the parties have already instituted a civil suit and now the Second Appeals are pending before the High Court. After the disposal of the Second Appeals and reaching finality with reference to the dispute either of the parties is at liberty to approach the Revenue Authorities for the purpose of cancellation of patta, grant of patta or mutation of revenue records as the case may be.



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6. Patta or revenue proceedings would not confer any title. Thus, the civil rights between the parties are to be crystallised in the Second Appeal, which is now pending before the High Court.

7. With this liberty, the Writ Petition stands disposed of. No costs.

26.07.2023

Jeni
Index : Yes
Neutral Citation : Yes
Speaking order

To

- 1.The District Collector,
Krishnagiri District,
Krishnagiri.
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S.M.SUBRAMANIAM, J.

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