IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13-07-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.24757 of 2017
And
WMP No.26135 of 2017

M/s.Wabco India Limited,
Plot No.AAA 8,
Central Avenue,
Mahindra World City,
Chengalpattu,
District Kancheepuram,
Represented by its Authorised Signatory. ... Petitioner

Vs.

1.The District Collector,
Thiruvallur Taluk,
Thiruvallur District.

2.The Zonal Deputy Tahsildar,
Thiruvallur,
Thiruvallur Taluk,
Thiruvallur District.

3.Sridhar

4.The Revenue Divisional Officer,
Thiruvallur,
Thiruvallur District.
[R-4 impleaded vide order of Court dated 13.07.2023 made in WMP No.27827 of 2017 in WP No.24757 of 2017] ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent passed in D.R.2017/0103/01/046296TR dated 21.08.2017 and to quash the same and directing the second respondent to consider the representation dated 08.09.2017 in respect of Survey No.968/5 and 1058/3A.

For Petitioner	: Mr.M.S.Krishnan, Senior Counsel for M/s.Fox Mandal and Associates.
For Respondents-1,2 and 4	: Mr.D.Ravichander, Special Government Pleader.
For Respondent-3	: Not Ready in Notice

O R D E R

The order dated 21.08.2017 issued by the Zonal Deputy Tahsildar, Thiruvallur transferring the patta in favour of the third respondent, is under challenge in the present writ petition.

2. The petitioner is M/s.Vabco India Limited Company engaged in the manufacture and sale of Air Assisted Brake Systems, its components and accessories to the Medium and Heavy Automotive Sector. The petitioner-Company purchased the subject property described in the present writ petition and patta was also granted in their favour.

3. On account of civil disputes between the parties, suit was instituted against the vendor to the petitioner in OS No.383 of 1999 on the file of the District Munsif Court at Thiruvallur. The suit for declaration of title and for permanent injunction. The suit is decreed in favour of the plaintiff and the defendant preferred an Appeal Suit, which was also dismissed. The writ petitioner, who is the subsequent purchaser filed Second Appeal No.SR 4644 of 2017, which is pending before this Court.

4. The learned Senior Counsel appearing on behalf of the writ petitioner mainly contended that when the civil disputes between the parties are pending before the Competent Civil Court of Law and the Revenue

Authorities are expected to exercise restraint in granting patta, cancellation of patta or mutation of revenue records.

5. In the event of granting patta during the pendency of the civil suit, the same would cause prejudice to either of the parties and the party in whose favour such orders are passed may take undue advantage of such proceedings. More-so even in the Patta Pass Book Act, 1983, once the parties approached the Civil Court of Law, the Revenue Authorities cannot take any decision regarding the right of the parties.

6. The Revenue Authorities are expected to adjudicate the issues of civil nature and more-so, in the event of any such disputes, they are bound to relegate the parties to approach the Competent Civil Court of Law. Beyond the said principles, the impugned order issued by the Zonal Deputy Tahsildar, Thiruvallur reveals that the third respondent-Sridhar submitted an application for transfer of patta on 21.08.2017 and on the very same day, the Zonal Deputy Tahsildar, Thiruvallur issued the impugned order of transferring the patta in the name of the third respondent on 21.08.2017. Thus, it is apparently made clear that the Authorities have not

conducted any enquiry for transfer of patta as contemplated under the provisions of the Patta Pass Book Act, 1983.

7. Curiously the Village Administrative Officer has also given a report on the very same day. Therefore, the impugned order has been passed without conducting any enquiry and an opportunity to the writ petitioner as contemplated under the provisions of the Patta Pass Book Act, 1983.

8. The manner in which the impugned order passed by the Zonal Deputy Tahsildar, Thiruvallur one Mr.K.Senthilkumar, seems to be doubtful and the first respondent-District Collector, Thiruvallur District is directed to call for the entire files and conduct the investigation and if any discrepancy or otherwise is found, then appropriate actions are to be initiated against the erred officials concerned and under the relevant Government Servants Conduct Rules,the manner in which patta transfer has been made is to be gone into and further actions are to be initiated.

9. In view of the facts and circumstances, the impugned order passed by the second respondent in D.R.2017/0103/01/046296TR dated 21.08.2017 is quashed and the first respondent-District Collector, Thiruvallur District is directed to conduct an enquiry and initiate all appropriate actions against the officials concerned, who have committed an act of negligence, dereliction of duty or any corrupt activities involved are also to be enquired into.

10. With the above directions, the writ petition stands allowed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

13-07-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn

To

1.The District Collector,
Thiruvallur Taluk,
Thiruvallur District.

2.The Zonal Deputy Tahsildar,
Thiruvallur,
Thiruvallur Taluk,
Thiruvallur District.

3.The Revenue Divisional Officer,
Thiruvallur,
Thiruvallur District.

S.M.SUBRAMANIAM, J.

Svn

WP 24757 of 2017

13-07-2023