



W.P.No.32094 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.32094 of 2023
and
W.M.P.No.31670 of 2023

K.G.Narayana Pillai @ K.G.N.Pillai

... Petitioner

versus

- 1.The District Revenue Officer,
District Revenue Office,
Coimbatore District.
- 2.The Revenue Divisional Officer (North),
Coimbatore District.
- 3.The Tahsildar (North),
Anupparpalayam,
Coimbatore District.
- 4.K.G.S.Pillai

..... Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari calling for the records relating to the proceedings dated 21.10.2023 made in Na.Ka.2746/2023/A2 by the second respondent and quash the same.

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For Petitioner : Mr.R.Bharathkumar

For Respondents : Mr.V.Veluchamy
Additional Government Pleader
for R1 to R3

ORDER

Mr.V.Veluchamy, learned Additional Government Pleader takes for respondents 1 to 3.

2. This Writ Petition has been filed to quash the proceedings of the second respondent vide Na.Ka.2746/2023/A2, dated 21.10.2023.

3. The brief facts in nutshell are as follows :

(i) Originally the lands measuring an extent of 1.06 acres comprised in Survey No.254 of Villankurichi Village, Coimbatore North Taluk and District belonged to one Karuppa Gounder by virtue of registered sale deed dated 22.07.1946 vide Doc.No.4164/1946. After the demise of said Karuppa Gounder, his wife and son sold the said property to K.G.Narayana Pillai @ K.G.N.Pillai (petitioner herein) and N.K.Ramachandra Panicker and the Revenue records has also been mutated in their names, as is evidenced by the Adangal extract for the Fasli year 1398, in respect of

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S.No.254/1 of Villankurichi Village, Coimbatore North Taluk and District.

Ever since the purchase of the said property, the petitioner and another are in peaceful possession and enjoyment of the said property.

(ii) Further, in the Fasli year 1399, the name of K.G.S.Pillai, the fourth respondent was added based on the order of the Tahsildar dated 18.05.1990 (MTR No.93/90-91) and the Patta standing in the name of the petitioner and another was wrongly transferred in the name of the fourth respondent. While so, the same was cancelled by an order dated 19.10.2007 vide MTR.No.2313 of 2007, at the instance of the petitioner. As against the said order, the fourth respondent ought to have preferred an appeal before the competent authority, he filed the suit in O.S.No.2336 of 2007 before the learned III Additional District Munsif, Coimbatore against the petitioner and another seeking permanent injunction restraining them from interfering with his peaceful possession of land in S.No.254/1. The said suit is still pending.

(iii) Further, during the pendency of the said suit, the fourth respondent filed an application dated 03.04.2008 before the second respondent challenging the order dated 19.10.2007. The second respondent



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by an order dated 09.12.2009 rejected the request of the fourth respondent and restored the Patta in the name of the petitioner and another and also remitted back the issue for fresh enquiry to the third respondent. As such, the Patta is still standing in the name of the petitioner and another, till date.

(iv) Subsequently, challenging the said order, the fourth respondent filed revision petition before the first respondent on 08.12.2009, and subsequently, the same was withdrawn by the fourth respondent citing the pendency of the Civil Suit.

(v) While so, suppressing the above proceedings, the fourth respondent again filed a petition before the second respondent on 20.03.2023 for transfer of Patta. On receipt of summons, the petitioner has appeared and filed a detailed counter. However, the second respondent, without any authority or jurisdiction conducted an enquiry and passed the impugned order dated 21.10.2023 and cancelled the Patta standing in the name of the petitioner and another (N.Ramachandra Panicker) with a further



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direction to the third respondent/Tahsildar to transfer the Patta in favour of the fourth respondent. Hence, the petitioner is before this Court.

4. The learned counsel for the petitioner submitted that the second respondent being the Appellate Authority under Section 12 of "Tamil Nadu Patta Pass Book Act, 1983" [hereinafter referred to as "the Act, 1983"] ought not to have exercised the power of the original authority – Tahsildar and pass the impugned order. As per Section 10 of the Act, 1983, the Tahsildar is the competent authority to make any modification of entries in the Patta Pass Book. Section 12 of the Act, 1983 contemplates that any person aggrieved by an order made by the Tahsildar under the Act may file an appeal before the Revenue Divisional Officer. Against the order passed in the Appeal under Section 12 of the Act, 1983, the person can file revision before the District Revenue Officer as per Section 13 of the Act, 1983. However, in the present case, the second respondent instead of directing the Tahsildar to consider the request made by the parties, he straight away entertained and passed the impugned order. He further



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submitted that the second respondent usurped the power of Civil Court and passed the impugned order adjudicating the title dispute between the parties.

5. In support of his contention the learned counsel for the petitioner relied upon the judgment of this Court in the case of ***Vishwas Footwear Company Ltd., Vs. The District Collector and others*** reported in ***2011 (5) CTC 94***, wherein the Division Bench of this Court held that when there is a dispute as to title, parties should be directed to approach the competent Civil Court of law for adjudication of title dispute.

6. Heard the learned counsel on either side and perused the materials available on record.

7. It is seen from the records that the parties have already approached the Civil Court and the suit in O.S.No.2336 of 2007 before the III Additional District Munsif, Coimbatore, is pending. During the pendency of the Civil Suit, if any orders are passed by the Revenue authorities, the same will not bind the Civil Court, and therefore, the petitioner is liberty to work out his



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remedy before the Civil Court in the manner known to law. Further, in the decision cited supra, though no civil suit is pending before the competent Civil Court, the Division Bench of this Court observed that the person, who has applied before the Revenue Divisional Officer for cancellation of Patta, should be directed to approach the Civil Court to establish his/her title and the Civil Court alone can declare the title of the parties, but the Revenue authorities cannot decide title dispute between the parties. In the case on hand, already the petitioner approached the Civil Court and the civil suit is also pending from the year 2007, and therefore, the citation referred to by the learned counsel for the petitioner is not applicable to the present case.

7. In the light of the above facts and circumstances, this Writ Petition is dismissed. It is open to the petitioner to work out his remedy before the Civil Court in the manner known to law. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

8. The suit is pending from the year 2007, and hence, the learned III Additional District Munsif, Coimbatore is directed to dispose of the suit in



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O.S.No.2336 of 2007 within a period of six months from the date of receipt of a copy of this order. Both the parties are directed to give their fullest co-operation to dispose of the suit, and if they fail to co-operate for trial, the trial Court is directed to proceed with the suit on merits and in accordance with law and dispose of the suit.

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Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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P.VELMURUGAN, J.

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