



WEB COPY

W.P.No.26607 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26607 of 2018
and WMP.Nos.30978 & 30983 of 2018

S.D.Sabari Shankar

... Petitioner

Vs.

1. The Tahsildhar,
Erode Taluk, Erode District.
2. The Zone Deputy Tahsildhar,
Erode Taluk, Erode District.
3. The Village Administrative Officer,
Erode Village, Erode Taluk,
Erode District.
4. The Joint-II Sub-Registrar,
Office of the District Registrar Office,
Erode, Erode – 9.
5. V.Surendran
6. V.Krishnabai
7. V.Lalithabai
8. V.Donabai
9. V.Geetha
10. S.Dhanapal

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records relating to the impugned order of the 2nd respondent in T.R.2018/0103/085664TR dated 25.04.2018 and quash the same.

For Petitioner : Mr.R.Rajesh Krishnan
for Mr.E.Sathia Raj

For Respondents : Mr.E.Sundaram
Government Advocate [R1 to R4]

Mr.S.Ramajayam [R5 to R9]

No appearance [R10]

ORDER

The patta granted by the Tahsildar in favour of the contesting respondents vide proceeding dated 25.04.2018 is under challenge in the present writ petition.

2. Mr.R.Rajesh Krishnan, learned counsel for the petitioner vehemently contended that the application submitted by the contesting respondents to grant patta is untenable in view of the fact that the Second Appeal in S.A.No.620 of 2017 during the relevant point of time was pending before this Court. The learned counsel further states that the revenue



authorities are incompetent to grant patta during the pendency of the civil suit between the parties. In the event of grant of patta during the pendency of the civil litigation, the same would cause prejudice to either of the parties and therefore, the patta issued unilaterally without conducting any enquiry by the Tahsildar is liable to be set aside. The petitioner further states that no notice and opportunity to the original owners were given and on that ground also the impugned patta is to be cancelled.

3. It is not in dispute that the second appeal in S.A.No.620 of 2017 was pending even prior to the submission of the representation by the contesting respondents. Thus, the Tahsildar had not being considered the representation for grant of patta, which would cause prejudice to the parties for establishing their case independently before competent Civil Court of law.

4. In view of the facts and circumstances, the impugned order passed by the Tahsildar in proceedings dated 25.04.2018 and the consequential revenue proceedings are kept in abeyance. Till such time, the civil disputes between the parties are to be resolved. On such disposal of civil issues and on reaching the finality, either of the parties are at liberty to submit an



application under the provisions of the Tamil Nadu Patta Pass Book Act, 1983 for grant of patta, cancellation of patta or mutation of records as the case may be.

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With these observations, this writ petition stands disposed of. No costs. Connected miscellaneous petitions are closed.

04.09.2023

Index : Yes
Speaking order
Neutral Citation : Yes/No

mp

To

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S.M.SUBRAMANIAM, J.

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