



W.A.(MD).No.1344 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.11.2023

CORAM

**THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM  
AND  
THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN**

W.A.(MD).No.1344 of 2023  
and  
C.M.P.(MD).No.10137 of 2023

K.Shankar

.. Appellant/Third Party

Vs.

1.The District Collector,  
Collectorate Buildings,  
Dindigul,  
Dindigul District.

2.The Tahsildar,  
Gujiliyamparai Taluk,  
Dindigul District.

3.The Taluk Surveyor,  
Gujiliyamparai Surveyors Office,  
Gujiliyamparai Taluk,  
Dindigul District.

.. Respondents 1 to 3/Respondents 1 to 3

4.P.Kandhasamy

.. 4<sup>th</sup> Respondent/Petitioner



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**PRAYER:** Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 16.03.2023 made in W.P.(MD).No.5679 of 2023 and allow this Writ Appeal.

For Appellant : Mr.S.Arunnithy  
For R-1 to R-3 : Mr.M.Lingadurai  
Special Government Pleader  
For R-4 : Mr.K.S.Kathiravan

### **JUDGMENT**

**(Judgment of the Court was delivered by S.M.SUBRAMANIAM,J.)**

The Writ Appeal has been instituted against the order dated 16.03.2023 passed in W.P(MD).No.5679 of 2023.

2. The writ appellant is a third party as far as the writ proceedings are concerned. The appellant states that he has instituted a civil suit in O.S.No.347 of 2023 on the file of the Sub Court, Veda sandur. The patta granted in favour of the fourth respondent/writ petitioner is also in dispute.

3. Since issue relating to patta is in dispute between the parties, the appellant has rightly instituted a suit for settling the disputes. During the



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pendency of a civil dispute, the revenue authorities cannot conduct an enquiry and issue patta, since the civil rights of the parties are to be crystallised. Mere patta would confer no right to title. Therefore, civil rights are to be adjudicated in the pending suit.

4. As far as the survey of the subject property is concerned, the fourth respondent or the writ appellant is at liberty to approach the Civil Court by filing an appropriate application under Order 26 CPC for appointment of Commissioner and to survey the land.

5. As far as issuance of patta is concerned, the application for grant of patta or cancellation of patta or to mutate the revenue records are to be entertained only after the disposal of the civil suit and on application by any of the parties. This being the principles, the parties are at liberty to adjudicate the issues in the pending suit and after the disposal of the suit, they are at liberty to approach the revenue authorities under the provisions of the Tamil Nadu Patta Passbook Act, 1983 for appropriate relief.



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6. Accordingly, the order impugned dated 16.03.2023 passed in W.P(MD).No.5679 of 2023 is set aside and the Writ Appeal stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

**(S.M.S.,J.) (V.L.N.,J.)**  
**29.11.2023**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
Lm

To

- 1.The District Collector,  
Collectorate Buildings,  
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**S.M.SUBRAMANIAM,J.**  
**and**  
**V.LAKSHMINARAYANAN,J.**

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