



W.A.(MD) Nos.1852 and 1853 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.11.2023

CORAM

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**
AND
THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

W.A.(MD) Nos.1852 and 1853 of 2023
and C.M.P.(MD) Nos.14502 & 14242 and 14244 of 2023

R.Chinnakannu ... Appellant in both the Writ Appeals

-Vs.-

1.The District Revenue Officer,
Trichy District, Trichy.

2.The Revenue Divisional Officer,
Srirangam,
Trichy District.

3.The Tahsildar,
Marungapuri Taluk,
Trichy District.

... Respondents 1 to 3 in W.A.(MD) No.
1852 of 2023 and Respondents 2 to 4 in
W.A.(MD) No.1853 of 2023

P.Singaraja

... 4th Respondent in W.A.(MD) No.
1852 of 2023 and 1st Respondent in
W.A.(MD) No.1853 of 2023

COMMON PRAYER:- Writ Appeal filed under Clause 15 of Letters
Patent Act, to set aside the common order dated 23.06.2023 made in W.P.
(MD)Nos.7646 of 2021 and 10359 of 2020 on the file of this Court.



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For Appellant in both the
the Writ Appeals

: Mr.AN.Ramanathan

For Respondents

: Mr.S.P.Maharajan,
Special Government Pleader
for R1 to R3 in W.A.(MD) No.
1852 of 2023 and for R2 to R4
in W.A.(MD) No.1853 of 2023

Mr.M.Mahendran,
for R4 in W.A.(MD) No. 1852
of 2023 and for R1 in W.A.
(MD) No.1853 of 2023

J U D G M E N T

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

These Writ Appeals have been filed challenging the common order, dated 23.06.2023, passed in W.P.(MD)Nos.7646 of 2021 and 10359 of 2020.

2. The grounds of the Writ Appeals reveal that the appellant is aggrieved from and out of the findings made by the learned Single Judge on merits. While relegating the parties to approach the competent civil Court of law, for the purpose of establishing the title and ownership, the learned Single Judge made certain observations in para 7 of the order, which resulted in filing of the present Writ Appeals.



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3. Learned counsel for the appellant mainly contended that the order of the learned Single Judge may be relied on by the parties for the purpose of establishing their case and therefore, the observation made in favour of the contesting respondents are to be deleted enabling the parties to adjudicate the issue independently based on the documents and evidence available on record.

4. We have gone through the findings made by the learned Single Judge in paragraph No.7, which would in no way offend the rights of the parties. Narration of the facts by the learned Single Judge cannot be a ground to establish the title or ownership, which has to be established independently based on the documents and evidences available on record. However, patta would not confer title and the title has to be established independently based on the documents and evidences available.

5. The Tamil Nadu Patta Pass Book Act, 1983, unambiguously stipulates that the revenue authorities are incompetent to entertain application in the event of dispute of civil nature exists between the parties. In such circumstances, the revenue authorities are also bound to



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relegate the parties to approach the civil Court of law. That being the scope of the Patta Pass Book Act, the findings of the learned Single Judge, relegating the parties to approach civil Court is in consonance with the Scheme of the Act and there is no infirmity. However, it is made clear that in the event of instituting any suit by either of the parties, the civil Court has to decide the issues independently and un-influenced by any of the findings of the learned Single Judge or in the present judgment but based on the documents and evidences. Till such time, the civil disputes are resolved, all the revenue proceedings issued either in favour of the appellant or in favour of the contesting respondent are to be kept in abeyance and after resolving the issues and reaching finality either of the parties are at liberty to approach the revenue authorities for the purpose of grand of patta or cancellation of patta or to mutate the revenue records as the case may be.

6. With the above observations, these Writ Appeals stand disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

[S.M.S.J.] & [V.L.N.J.]
27.11.2023

NCC :Yes/No
Index :Yes/No
SJ



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