



W.A.No.189 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

and

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.A.No.189 of 2024

and

C.M.P.Nos.1115 & 1118 of 2024

1. A. Devanbu

2. Sathyadoss

... Appellants/Petitioners

Vs.

1. The District Collector,
Chengalpattu District.

2. The District Revenue Officer,
Chengalpattu, Chengalpattu District.

3. The Revenue Divisional Officer,
Tambaram, Chengalpattu District.

4. The Tahsildar,
Tambaram, Chengalpattu District.

5. P. Durai

6. P. Thirumalai

7. V. Clement Elango

... Respondent / Petitioner



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Prayer :- Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the Order dated 13.12.2023 made in WP.No.34265 of 2023.

For Appellant : Mr.S.Sheik Ismail
Special Government Pleader

For Respondents : Mr.A.Selvendran,
Special Government Pleader
(for R1 to R4);

No Appearance (for R5 & R6);

Mr.T.V.Ramanujam,
Senior Counsel for
Mr.T.Susindran (for R7)

J U D G E M E N T

(Judgement of the Court was delivered by S.M.Subramaniam J.)

The writ appeal has been instituted against the order dated 13.12.2023 passed in W.P.No.34265 of 2023. The writ petitioner is the appellant before us.

2. Writ petition was instituted challenging the order dated 17.11.2023, passed by the District Revenue Officer and the consequential order passed by the Tahsildar dated 22.11.2023. Further direction is sought for to restore the patta stood in the name of the writ petitioner.



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3. In view of the fact that three Civil Suits are pending between the parties. Adjudication of disputed issues of civil nature in a writ proceedings would not arise at all. Such disputed issues require examination of documents in original and evidences. High Court cannot conduct a roving inquiry in a writ proceedings, more specifically relating to title disputes. Learned Single Judge rightly relegated the parties to resolve the issues through the Civil Court of law.

4. The learned counsel for the appellant Mr. Sheik Ismail would contend that the patta, stood in the name of the writ petitioners originally, was cancelled. Now the patta stands in the name of the 7th respondent. Since, the Civil Suits are pending, the 7th respondent may take undue advantage of the patta transferred in his name for the purpose of establishing his civil right before the Civil Court in pending suits.

5. It is needless to state that the patta would confer no right of title. Title is to be established independently with reference to the documents in original and evidences. Mere production of patta would not be a ground to confer any title. However, we are inclined to keep all such revenue proceedings in abeyance till such time the parties resolve the title dispute.



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6. It is brought to the notice of this Court that three Civil Suits in O.S.Nos.228 of 2005, 103 of 2014 & 148 of 2017 are pending on the file of the Principle District Court at Chengalpattu. The parties are at liberty to establish their civil rights in the pending suits. Till such time, all the revenue proceedings, including the patta, cancellation of patta, transfer of patta, mutation of revenue records, are kept in abeyance. After resolving the civil disputes, either of the party is at liberty to submit an appropriate application under the provisions of the Tamil Nadu Patta Passbook Act, 1983, for securing appropriate relief in the manner known to law.

7. With these observations, the writ appeal stands disposed off. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.J.,)

(K.R.S.J.,)

19.02.2024

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

(sha)



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To
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S.M.SUBRAMANIAM, J.

and

K.RAJASEKAR, J.

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