IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.A.No.480 of 2024
and
C.M.P.No.3207 of 2024

K.G.Narayana Pillai @K.G.N.Pillai … Appellant

Vs.

1. The District Revenue Officer,
   District Revenue Office, Coimbatore District.

2. The Revenue Divisional Officer (North),
   Coimbatore District.

3. The Tahsildar (North),
   Anupparapalayam, Coimbatore District.

4. K.G.S.Pillai ... Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 08.11.2023 passed in W.P.No.32094 of 2023.

For Appellant : Mr.R.Bharath Kumar

For R1 to R3 : Mr.A.Selvendran,
Special Government Pleader

For R4 : Mr.N.R.Elango, Senior Counsel
for Mr.G.R.Deepak

J U D G M E N T

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

Present intra-court appeal has been instituted against the order dated 08.11.2023 passed in W.P.No.32094 of 2023.

2. The writ court relegated the parties to crystallize their civil rights in a pending civil suit in O.S.No.2336 of 2007. The learned counsel for the appellant would submit that the Revenue Divisional Officer remanded the matter back to the Tahsildar. Further revision has been instituted by the respondents under Section 13 of the Tamil Nadu Patta Passbook Act, 1983. Such multiple proceedings would affect the Suit proceedings. Thus, the Writ Appeal is filed.

3. The learned Senior Counsel appearing on behalf of the 4th respondent would oppose by stating that title stands in the name of the 4th respondent and they are in possession of the subject property. The written statement was filed in the year 2008 by the appellant and the suit is pending for trial. Thus, there is no infirmity in respect of the order passed by the writ

court and therefore, the writ appeal is to be rejected.

4. Relegating the parties to the Civil Court to establish their civil rights is a right course to be adopted and as such, there is no infirmity in respect of the order passed by the writ court. However, during the pendency of the Suit, an application seeking patta, cancellation of patta or to mutate the revenue records are not entertainable.

5. Section 3(1) of the Tamil Nadu Patta Passbook Act, 1983 stipulates that "*the Tahsildar shall issue a patta pass book to every owner in respect of land owned by him, on an application made by him in this behalf*". Therefore, owner of a land alone is entitled to maintain an application under the Tamil Nadu Patta Passbook Act, 1983. If the title has been disputed or the civil rights are subjudiced before the Civil Court of law then the parties have to establish their civil rights and thereafter, submit an application seeking patta, cancellation of patta or to mutate the revenue records. Therefore, an application under the provisions of the Tamil Nadu Patta Passbook Act, 1983 is not entertainable during the pendency of the civil suit

involving civil rights between the parties.

6. Admittedly, in the present case, a Civil Suit in O.S.No.2336 of 2007 is pending. The 4th respondent claims title over the property and further states that they are in possession of the subject property. That being the submission, the parties are at liberty to resolve the dispute through competent Civil Court of law. After crystallization of their civil rights and on reaching finality, either of the party may submit an application under the provisions of the Tamil Nadu Patta Passbook Act, 1983 seeking patta, cancellation of patta or to mutate the revenue records, as the case may be. In such circumstances, the authorities competent are empowered to conduct an enquiry by following the procedures, as contemplated under the Act and Rules and pass appropriate orders.

7. In view of the facts and circumstances, we are inclined to keep all the revenue proceedings in abeyance till such time the Suit is disposed of and the dispute reach finality. Thereafter, the parties are at liberty to

approach the revenue authorities for appropriate relief.

8. With these modifications, the Writ Appeal stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

(S.M.S.,J.) (K.R.S.,J.)
14.03.2024

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Index : Yes
Speaking order

To

1. The District Revenue Officer,
   District Revenue Office,
   Coimbatore District.

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   Anupparapalayam,
   Coimbatore District.

S.M.SUBRAMANIAM, J.
and

K.RAJASEKAR, J.

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