



WEB COPY

W.P.No.8211 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.8211 of 2015

and

M.P.No.2 of 2015

1. S.Suganya
2. S.Ramgopal
3. S.Vaishnavi

... Petitioners

Vs.

1. The District Collector,
Erode District, Erode – 638 011.
2. The Revenue Divisional Officer,
Erode District, Erode.
3. The Special Tahsildar,
Natham Nilavari Thittam,
Erode Taluk, Erode – 1.
4. K.Rajammal
5. S.Prem Naryanan

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the 3rd respondent culminated in and by his proceedings in S.R.No.478 of 2011 dated



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13.08.2013 quash the same.

For Petitioners	: Mr.V.S.Kesavan
For R1 to R3	: Mr.G.Krishna Raja, Additional Government Pleader
For R4 & R5	: No appearance

ORDER

The Proceedings of the Tahsildar dated 13.08.2013 granting patta in favour of the respondents 4 and 5 is sought to be quashed in the present writ proceedings.

2. The learned counsel for the petitioner, Mr.V.S.Kesavan would submit that the patta originally stood in favour of the forefather of the petitioner and the respondents 4 and 5. By providing false information, the respondents 4 and 5 had approached the Tahsildar for grant of patta in respect of the entire property. The Tahsildar, without affording any opportunity to the petitioners, had granted patta and therefore, the impugned order is liable to be set aside, both on the ground of violation of the principles of natural justice and false information provided for securing patta.



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3. The learned Additional Government Pleader appearing for the respondents 1 to 3 would oppose the said contention by stating that there is an appeal provision available for the petitioner to redress his grievances and in view of the presence of alternate remedy under the Act, the Writ Petition is to be rejected. Under Section 3 of the Tamil Nadu Patta Passbook Act, 1983, the Tahsildar is empowered to grant patta to a owner. Thus, it is pre-condition that a person, who is submitting an application should establish that he is the owner of the property. In the event of any civil dispute exist between the parties, the revenue authorities cannot issue any patta and they have to return the application with a liberty to the applicant to represent the same only after resolving the civil dispute between them. In other words, the revenue authorities have to relegate the parties to approach the competent Civil Court for the purpose of resolving the civil disputes and to establish their civil rights.

4. It is brought to the notice of this Court that two civil suits in O.S.No.331 of 2011 and O.S.No.210 of 2013 are pending on the Principal Sub Court, Erode. During the pendency of a Civil Suit, the revenue authorities cannot issue patta in favour of one party, as such proceedings



would cause prejudice to the other side and therefore, this Court is inclined to keep all such revenue proceedings in abeyance till such time, the Civil Suits are disposed of or the dispute reach finality.

5. In view of the fact that the Civil Suits are pending between the parties, all the revenue proceedings, including the impugned order passed by the Tahsildar in the present Writ Petition in proceedings dated 13.08.2013 in S.R.No.478 of 2011 are kept in abeyance. Either of the party is at liberty to submit an application before the revenue authorities after disposal of the suit for grant of patta, cancellation of patta or to mutate the revenue records under the provisions of the Tamil Nadu Patta Passbook Act, 1983. It is needless to state that the parties have to establish their civil rights independently based on the documents available on record. The impugned proceedings cannot be taken as conclusive proof for the purpose of establishing title or ownership.

6. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

18.01.2024

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Index : Yes
Speaking order
Neutral Citation : Yes

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To

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S.M.SUBRAMANIAM, J.

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