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W.P.No.12898 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.12898 of 2018
and
W.M.P.No.15149 of 2018

T.Ramesh

... Petitioner

Vs.

1. The District Collector,
Kanchipuram,
Kanchipuram District.
2. Mr.A.Noor Mohammed
3. The Sub-Collector,
Chengalpet,
Kanchipuram District.
4. The Tahsildar,
Tiruporur Taluk,
Kancheepuram District.
5. The Land Administration Officer,
Ezhilagam,
Chennai.

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records in connection with order passed by the 2nd respondent dated 03.04.2018 in Na.Ka.1937/2018 No.4 and quash the same.

For Petitioner : Mr.L.Ramu

For R1 and R3 to R5 : Mr.G.Krishna Raja,
Additional Government Pleader

For R2 : Not ready in notice

ORDER

The appellate proceedings dated 03.04.2018 issued by the District Revenue Officer, cancelling the patta stood in favour of the father of the writ petitioner is under challenge in the present Writ Petition.

2. The learned Counsel for the petitioner, Mr.L.Ramu, would submit that the patta originally stood in the name of the father of the writ petitioner and with a motive to grab the land belonging to the family of the writ petitioner, one Mr.Sathishkumar and his mother had illegally cancelled the patta stood in favour of the father of the writ petitioner. The appeal filed before the District Revenue Officer, Kancheepuram was also



rejected. Thus, the petitioner has filed the present Writ Petition.

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3. The counter claimant, Mr.Sathishkumar and his mother has not been impleaded as party respondent in the writ proceedings. More so, a title dispute exist between the petitioner and the other parties in respect of the subject property. Such disputed facts cannot be adjudicated in a writ proceedings under Article 226 of the Constitution of India.

4. Title and ownership is to be established independently based on the documents and evidences available on record by approaching the competent Civil Court of law. Patta is to be granted only to the owner of the property under the provisions of the Tamil Nadu Patta Passbook Act, 1983. An application under Section 3 of the Act is entertainable only if the applicant is able to establish that he/she is the owner of the property. In the event of any dispute of civil nature, the revenue authorities have to relegate the parties to approach the competent Civil Court of law.

5. In the present case, the learned counsel for the petitioner would submit that a land grabbing complaint has been given by the petitioner



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against the other party, which is also pending.

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6. This being the factum, all the patta and the revenue proceedings relating to the subject property including the impugned order dated 03.04.2018 are kept in abeyance, till such time, the parties resolve the title dispute before the competent Civil Court of law.

7. Even as per the Tamil Nadu Patta Passbook Act, the patta proceedings are not conclusive evidence to establish title. Thus, the above proceedings are kept in abeyance and the parties are at liberty to approach the competent Civil Court of law for the purpose of establishing their title, ownership through the documents and evidence available on record. After reaching finality in respect of the civil disputes, either of the party is at liberty to submit an application for grant of patta, cancellation of patta or mutation of revenue records, as the case may be.

8. With these directions, the Writ Petition stands disposed of.



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Consequently, the connected Miscellaneous Petition is closed.

No costs.

23.01.2024

skr

Index : Yes

Speaking order

To

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S.M.SUBRAMANIAM, J.

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