



W.A.No.2195 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2024

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CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

Writ Appeal No.2195 of 2021
and
C.M.P.No.13890 of 2021

K.R.Mani

... Appellant

Vs.

1. District Revenue Officer,
Salem.
2. Revenue Divisional Officer,
Mettur, Salem District.
3. Tahsildar,
Mettur, Salem District.
4. Sengodan
5. Madhu
6. Ramayi

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order passed in W.P.No.14287 of 2020 dated 23.04.2021.



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For Appellant : Mr.R.Vivekanandan
for Mr.R.Subramanian

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

J U D G M E N T

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

The writ appeal has been instituted against the order dated 23.04.2021 passed in W.P.No.14287 of 2020.

2. The writ petitioner is the appellant before us. The proceedings canceling the Patta stood in the name of the appellant was under challenge before the writ court. The writ court held that after the disposal of the civil suit, the parties may submit appropriate application for issuance of Patta or cancellation of Patta.

3. Section 3 (1) of the Tami 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, on an application made by him in this behalf.*"

4. Therefore, any person submitting an application for issuance of



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Patta must be the owner of the property. In the event of no dispute regarding ownership or title, then alone the Tahsildar is empowered to entertain an application and conduct an enquiry and grant Patta. In the event of any dispute regarding title or ownership, the parties are to be relegated to approach the competent civil court of law.

5. In the present case, the parties have already approached the civil court of law and a civil suit has been filed.

6. Mr.A.Selvendran, learned Special Government Pleader on instructions would submit that a Civil Suit filed by the appellant in O.S.No.176 of 2011 was dismissed on 26.04.2022. It is not made clear whether any first appeal has been filed or not. May that as it be, the parties may submit a fresh application under the Tamil Nadu Patta Passbook Act only after resolving the dispute through civil court of law.

7. In view of the fact that civil litigations are instituted between the parties, on reaching finality either of the parties are at liberty to submit a application for grant of Patta, cancellation of Patta or to mutate the revenue



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records, as the case may be.

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8. With these observations, we are not inclined to interfere with the order passed in the writ petition. Consequently, the Writ Appeal stands **dismissed**. No costs. Connected M.P is closed.

[S.M.S.,J.] [C.K.,J.]
14.06.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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To

1. District Revenue Officer,
Salem.
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Mettur, Salem District.



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AND
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Judgment in
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