



WEB COPY



W.P.No.268 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.268 of 2018

M.Pichaipillai

... Petitioner

Vs.

1. The Revenue Divisional Officer
Perambalur,
Perambalur District.

2. The Tahsildhar,
Perambalur Taluk,
Perambalur District.

3. Paramasivam

(R3-impleaded as per order dated 18.01.2018 by KRCBJ in
WMP.1238/2018 in WP.268/2018) ... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the respondents to pass orders on the application of the petitioner dated 22.7.2017 and the enquiry conducted by the 2nd respondent dated 7.9.2017 in pursuance of the notice dated 18.8. 2017 made in Na. Ka. A2/1744/2017 forthwith.



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For Petitioner : Mr.C.Prabakaran
For Respondents : Mr.G.Ameedius,
Government Advocate (for R1 & R2);
R3- Not ready in Notice.

ORDER

The petitioner submitted an application for cancellation of patta granted in favour of the 3 respondent Paramasivam.

2. The Revenue Divisional Officer, Perambalur, issued inquiry notice to the petitioner. Since no further progress has been made pursuant to the inquiry notice issued, the petitioner is constrained to move the present writ petition.

3. Under Section 3 of the Tamil Nadu Patta Passbook Act, 1983, the owner of the immovable property is eligible to file an application for grant of patta. Therefore, in the event of any Civil Dispute between the parties, the Revenue Authority may not be in a position to consider the application for grant of patta, cancellation of patta or to mutate the revenue records.

4. The learned Government Advocate appearing on behalf of the 1st



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and 2nd respondents would submit that a civil suit between the parties is pending in O.S.No.147 of 2018, on the file of the District Munsif Court at Perambalur. During the pendency of the Civil Suit, the Revenue Authority shall not issue any revenue proceedings under the Patta Passbook Act. The parties have to independently establish their civil rights before the competent Court of law and after disposal of the civil litigations on reaching finality, either of the parties are at liberty to submit an application for grant of patta, cancellation of patta, or to mutate revenue records.

5. Thus, the writ petitioner in the present case is at liberty to submit an Application after resolving the Civil dispute existing between the parties before the District Munsif Court at Perambalur.

6. With these observations, the writ petition stands dismissed. No costs.

12.01.2024

Index : Yes
Speaking Order
Neutral Citation : Yes
(sha)



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S.M.SUBRAMANIAM. J.,

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