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W.P.No.21410 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2024

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THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

W.P.No.21410 of 2024
& WMP No.23367, 23368 and 23371 of 2024

T.Selvam

.. Petitioner

Versus

1.The District Collector,
O/o District Collector,
Salem District.

2.The District Revenue Officer,
Salem, Salem District.

3.The Revenue Divisional Officer,
Sankari, Salem District.

4.The Tahsildar,
Sankari, Salem District.

5.Mani @ Angamuthu

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned orders in File No.2021/0103/08/247251 dated 17.07.2021 passed by the fourth respondent and consequent order in Oo.Mu.1917/2021(C) dated 27.09.2021 passed by the 3rd respondent and



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review order in Na.Ka.No.6432/2022/E2 dated 23.05.2024 passed by the 2nd respondent and consequently, direct the respondents to issue patta to him with respect to the land in S.No.86/1 after U.D.R. S.No.86/1A5, New S.No.86/4, measuring an extent of 70½ cents and other lands situated in Kannanderi Sankari Taluk, Salem.

For Petitioner : Mr.A.Saravanan

For Respondents : Mr.P.Ganesan
Additional Government Pleader

ORDER

Challenging the orders passed by respondents 2 to 4 seeking to issue patta in favour of the petitioner, the present writ petition has been filed.

2. Heard both sides and perused the materials placed on record.

3. By consent of both parties, the main writ petition itself is taken up for final disposal at the admission stage.

4. It is the case of the writ petitioner that one Chinnapayan @ Palaniappan, who has purchased the land from one Ponnusamy by a registered sale deed in Document No.1272 of 1960 dated 02.06.1960 was the owner of the land comprised in S.No.86/1A5, New S.No.86/4 measuring



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an extent of 70½ cents and other lands situated in Kannanderi, Sankari Taluk, Salem, vide decree made in OS.No.351 of 1975 dated 27.11.1975 on the file of District Munsif Court, Sankari. The abovesaid Chinnapayan @ Palaniappan sold the said lands to one Nallappan by a registered sale deed in document No.1086 of 1996 dated 01.07.1996 on the file of S.R.O., Magudanchavadi. The said Nallappan sold the land along with other lands to one K.Rajendran by a registered sale deed in Document No.230 of 1997 dated 17.02.1997 on the file of SRO., Magudanchavadi. The said K.Rajendran sold the lands to one Poongavanam by a registered sale deed dated 19.01.1998 vide document Nos.43/1998 and 44/1998 on the file of SRO., Magudanchavadi. The sale deed in document No.44/1998 was not relevant to the land in S.No.86/1 after UDR S.No.86/1A5, New S.No.86/4, measuring an extent of 70½ cents and thereby, the said Poongavanam was the owner of the land comprised in S.No.86/1 after UDR S.No.86/1A5, New S.No.86/4 measuring an extent of 70½ cents situated in Kannanderi, Sankari Taluk, Salem and she was put in possession on the date of purchase of the abovesaid land. The said Poongavanam sold the said land vide sale deed in Document No.154/1998 dated 09.02.1998 in favour of one M.K.Saravanan. The revenue records and patta bearing No.1230 has been



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changed in the name of M.K.Saravanan. Thereafter, the said M.K.Saravanan died intestate on 23.03.2015 leaving behind his wife and children, who had executed a registered sale deed in document No.6939 of 2020 dated 28.12.2020 in favour of the petitioner and one M.Anbu and they were in possession and enjoyment of the property. When the petitioner had made an application to change patta before the fourth respondent, he had refused to change the patta in the name of the petitioner. While being so, he came to understand that O.S.No.221 of 2020 on the file of Sub Court, Sankari has been filed by the fifth respondent for partition, but the fourth respondent has refused to change the patta in the petitioner's name. Challenging the said order of the fourth respondent, the petitioner had filed an appeal before the third respondent, who has passed an erroneous order on 27.09.2021 and therefore, the petitioner has filed review petition before the second respondent and the second respondent had also without appreciation of document has passed an erroneous order on 23.05.2024. Challenging the said orders, the present writ petition has been filed.

5.It is the contention of the learned counsel for the petitioner that the impugned order has been passed without considering merits of the



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6.Learned counsel for the respondents would submit that the vendor-fifth respondent has already filed O.S.No.221 of 2020 and purchase has been made during the pendency of the suit. The said suit is still pending. Therefore, during the pendency of the suit, the request of the petitioner has been rejected. Rule 4(4) of the Tamil Nadu Patta Pass Book Rules, 1987 reads thus:

“In the event of the Tahsildar being satisfied that a dispute concerning ownership of patta is already pending in a Court or issues are raised before him which impinge on personal laws or laws of succession and all the parties interested do not agree on the ownership in writing, he shall direct the concerned parties to obtain a ruling on ownership from a competent Civil Court having jurisdiction before changing the entries as already recorded and existing in the various revenue records.”

7.From a reading of the abovesaid rules, it is clear that in the event there is a dispute in respect of title and a suit is pending before the civil Court, as per the Patta Passbook Rules, the parties shall obtain an order



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on the ownership from a competent Civil Court having jurisdiction before changing the entries as already recorded and existing in the various revenue records. In such view of the matter, as the suit is pending, the impugned order passed by the authorities does not call for any interference. It is for the petitioner to work out his remedy after suit is decided. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

02.08.2024

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Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No

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N. SATHISH KUMAR, J.

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