IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.A.No.2378 of 2022

M. Veeramuthu ... Appellant/Petitioner

Vs.

1. The Collector,
Collectorate Campus,
Salem District,
Salem-636 001.

2. The Revenue Divisional Officer,
Revenue Divisional Office,
Attur-636 102, Salem District.

3. The Tahsildhar,
Attur Taluk, Attur, Taluk Office,
Attur-636 102, Salem District.

4. Kasi

5. R.Mathivanan ... Respondents/Respondents

Prayer :- Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the Order dated 14.07.2022 in W.P.No. 17870 of 2022 on the file of this Court.

For Appellant : Ms.S.Nandhini Devi for
Mr.R.Subramanian

For Respondents : Mr.A.Selvendran,
Special Govt. Pleader (for R1 to R3);

Mr.L.Rajendran (for R4);

Mrs.B.Maniammal (for R5).

JUDGEMENT

(Judgement of the Court was delivered by S.M.Subramaniam J.)

The Writ Appeal has been instituted against the order dated 14.07.2022 in W.P.No.17870 of 2022. The Writ petitioner is the appellant before us.

2. The writ petition was instituted challenging the inter-departmental communication between the Additional P.A. to the District Collector, Salem and Revenue Divisional Officer, Attur, in proceeding dated 06.05.2022.

3. Such inter-departmental communication seeking clarification, sought for to send files, would provide no cause for institution of a writ proceedings. Pertinently, the said correspondence was between the

Additional P.A. to District Collector, Salem and the Revenue Divisional Officer, Atur. In fact, during the relevant point of time, the appeal was pending before the District Revenue Officer. Therefore, the writ petition is misconceived.

4. It is brought to the notice of this Court that Civil Suits are pending between the parties. Pursuant to the impugned orders passed in W.P.No.17870 of 2022, the District Revenue Officer (D.R.O.) passed an order in proceeding dated 31.01.2023.

5. The learned Single Judge granted the relief directing the Revenue Officials to restore the patta in the name of Mr.Sengan, who is the father of the writ petitioner as well as 4th respondent. Further, a direction was issued to mutate the revenue records after disposal of the Suit and the succeeding party can make a fresh application before the Revenue Officials for issuance of patta.

6. A Writ against inter-departmental communication between the P.A. to Collector and the Revenue Divisional Officer is not entrtainable. The relief granted in the writ order is beyond the scope of the relief sought

for. Under Section 3 of the Tamil Nadu Patta Passbook Act, 1983, “the owner” is entitled to submit an application seeking patta. In the event of any civil dispute regarding title or ownership between the parties, application under the Tamil Nadu Patta Passbook Act, 1983 is not entertainable. Only after disposal of the Civil Suits and reaching finality, either of the party has to approach the Revenue Authorities for issuance of patta, cancellation of patta or to mutate the revenue records as the case may be. Any order during the interregnum period, granting patta or cancelling patta would cause prejudice to either of the parties. Any one of the party may take undue advantage of such revenue records for the purpose of establishing their cases. Patta would confer no title. Therefore, granting such reliefs during the pendency of the Civil Suit is not desirable.

7. In the present case, the District Revenue Officer passed an order based on the impugned order passed in the writ proceedings. It is not in dispute that the Civil Suits are pending between the parties. Thus, we are inclined to keep all the revenue proceedings in abeyance till such time the Civil Suits are disposed off and the parties shall establish their civil rights independently based on the documents and evidences.

8. In view of the above discussions, the order dated 14.07.2022, passed in W.P.No.17870 of 2022 is set aside. All the revenue proceedings, including the order passed by the District Revenue Officer, Salem, in proceeding dated 31.01.2023, are kept in abeyance, till such time the civil disputes between the parties reach finality.

9. Accordingly, the Writ Appeal stands allowed. No costs.

(S.M.S.J.,) **(K.R.S.J.,)**
29.02.2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
(sha)

To
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2. The Revenue Divisional Officer,
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Attur Taluk, Attur, Taluk Office,
Attur-636 102, Salem District.

S.M.SUBRAMANIAM, J.

and

K.RAJASEKAR, J.

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