



W.A.No. 16 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2024

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CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Writ Appeal No.16 of 2023
and
C.M.P.No.187 of 2023

S.K.Lenin

Vs.

... Appellant

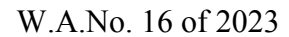
1.The District Collector,
Dharmapuri District,
Dharmapuri.

2.The Revenue Divisional Officer,
Harur Division,
Dharmapuri District.

3.The Tahsildar,
Harur Taluk,
Dharmapuri District.

4.Singaravelu
5.Deepika
6.Perumal
7.Vasanthi
8.Gulabi Jan

... Respondents



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JUDGMENT

<https://www.mhc.tn.gov.in/judis>



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3. Section 3 of the Tamil Nadu Patta Pass Book Act, 1983 stipulates *“Issue of patta pass book”*. Sub-Section (1) contemplates that *“The Tahsildar shall issue a patta pass book to every owner in respect of land owned by him in his behalf. Any application received under this Section shall be acknowledged by the Tahsildar or any other Officer authorised by him in this behalf.”* The word “owner” has been defined under Section 2(6) of the Act means *“Any person holding land in severally or jointly or in common under a ryotwari settlement or in any way subject to the payment of revenue direct to the Government and includes a full owner or limited owner but does not include a mortgage, lessee or a tenant.”*

4. Therefore, the owner of an immovable property alone is entitled to submit an application. The Tahsildar while entertaining the application for grant of Patta must preliminarily consider whether the applicant is owner or not. When the suit for declaration of title and permanent injunction is pending, the Tahsildar need not entertain an application for grant of Patta, cancellation of Patta or to mutate the Revenue Records. When the disputes of Civil nature between the parties are subjudice, then the application under the Tamil Nadu Patta Pass Book Act, is not entertainable and only after the



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disposal of the suit and reaching finality, either of the party is at liberty to submit an application to grant Patta, cancellation of Patta or to mutate the Revenue Records, as the case may be.

5. In view of the admitted fact that the Civil Suit is pending, all the Revenue Proceedings issued under the Patta Pass Book Act, are kept in abeyance, till such time the Civil dispute reaches finality.

6. In the result, the Writ Appeal stands disposed of. Consequently, connected miscellaneous petition is closed. No costs.

[S.M.S.J.] [K.R.S.J.]
19.02.2024

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

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S.M.SUBRAMANIAM,J.
AND
K.RAJASEKAR,J.

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Judgment in
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