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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-09-2025

CORAM

**THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR JUSTICE C. SARAVANAN**

**WA No. 1060 of 2025
and
CMP Nos. 8511 & 8513 of 2025**

1.J.Babulal
2.J.Ashok Kumar
3.J.Sovanlal
4.M.Prakashchand

Appellant(s)

Vs

1.The Government of Tamil Nadu
Represented by its Secretary,
Ministry of Revenue,
St.George Fort, Chennai-600 009.

2.The District Collector
Collectorate Office, Vellore District,
Vellore.

3.The District Revenue Officer
Vellore District, Vellore.



4.The Revenue Divisional Officer
Vellore District, Vellore.

5.The Tahsildar
Vellore District, Vellore.

6.R.Harish Kumar

7.C.Vijayakumar

8.V.Vijayalakshmi

9.V.Deepaasree

10.A.Thamizhselvan

11.S.Yoganandham

Respondent(s)

PRAYER

Writ Appeal filed under Clause 15 of Letters Patent, to set aside the common order dated 25-11-2024 made in WP.No.12627/2019 and consequently to protect the rights of the appellants by ensuring proper adjudication in accordance with the principles of law and natural justice by remanding the matter for fresh adjudication within the time fixed by this Court towards ensuring a fair hearing and by consideration of all relevant facts and legal principles in accordance to law or grant any other relief that this Court deems fit and proper in the interests of justice and thus render justice.

For Appellant(s): Mr.B.Manoharan

For Respondent(s): Mr.Vadivel Deenadayalan, AGP
For R1 to R5
No Appearance For R6 to R9
Mr.A.Pradeep For R11
Mr.B.Gopalakrishnan For R10



J U D G M E N T

(Judgment was delivered by S.M.Subramaniam J.)

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The writ order dated 25.11.2024 passed in W.P.No.12627 of 2019 is sought to be assailed in the present writ appeal. The writ petitioners are the appellants before this Court.

2. The writ petition has been instituted challenging the order passed by the Revenue Divisional Officer (RDO), Vellore District in proceedings dated 07.03.2018 and the appellate order of the District Revenue Officer (DRO), Vellore District dated 06.12.2018. Perusal of the facts in detail as recorded by the Writ Court reveals that a civil dispute exist between the parties. Various sale deeds, and judgments/decrees passed by the Civil Court also relied upon. However, the facts remains that the civil rights are yet to be crystallized between the parties. As of now, suit has been filed seeking declaration in O.S.No.83 of 2019, which is pending on the file of the Principal District Munsif Court, Vellore at the bequest of the appellant. The suit prayer is for the relief of declaration that Mr.C.Jugraj Bantia is the sole legal heir of the Late Mrs.Pani Bai under provisions of the Hindu Succession Act and for the relief of

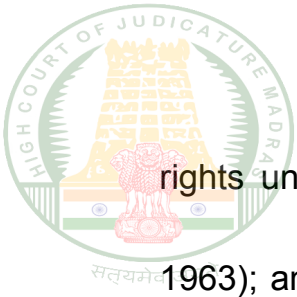


declaration as to the documents to which the plaintiffs are not the parties.

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3. Since the suit for declaration is pending before the competent Civil Court it would be inappropriate for the revenue authorities to adjudicate the issues. The provisions of the Tamil Nadu Patta Pass Book Act and rules framed thereunder would indicate that the revenue authorities have no jurisdiction to adjudicate or decide the civil rights of the party including title / ownership.

4. Equally, High Court in exercise of powers under Article 226 of the Constitution of India cannot decide the disputed facts of civil nature. It requires trial nature proceedings and to be established based on original documents and evidences including oral evidence. Admittedly a civil suit in O.S.No.83 of 2019 is pending. The Proviso Clause to Section 14 of the Tamil Nadu Patta Pass Book Act, 1987 in unequivocal terms reiterates that “if any person is aggrieved as to any right of which he is in possession, by an entry made in the patta pass book under this Act, he may institute a suit against any person denying or interested to deny his title to such right, for a declaration of his



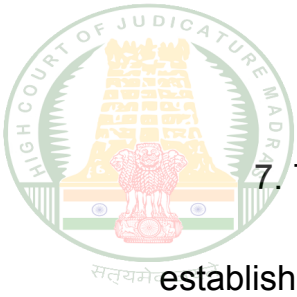
rights under Chapter VI of the Specific Relief Act, 1963 (Central Act 47 of 1963); and the entry in the patta pass book shall be amended in accordance

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with any such declaration”.

5. Therefore, where a civil dispute exist or rights are not crystallized, it would be inappropriate for the revenue authorities and High Courts to conduct a roving inquiry and make findings, that would undoubtedly cause prejudice to either of the party in establishing their civil rights in an independent manner.

6. In the present case, the revenue authorities found the appellants have not established their civil rights. However, before the Writ Court the appellants have produced some sale deeds as well as the judgments and decrees passed by the Civil Court, which were found to be insufficient for the grant of relief. Therefore, re-adjudication of these facts by either the revenue authority or the Writ Court would not result in any quietus to the issue. Thus, the parties are to be relegated to resolve the issues before the Civil Court of Law.



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7. The Writ Court rightly arrived at a conclusion that the parties have to establish their rights before the Civil Court. We concur with the view of the Writ Court that during the pendency of the civil litigations, the revenue proceedings are to be kept in abeyance. Therefore, after establishing civil rights and reaching finality, either of the party is at liberty to file an appropriate application under the Patta Passbook Act for grant of patta or cancellation of patta.

8. With these observations, this Writ Appeal stands dismissed. Consequently, the connected Miscellaneous Petitions are closed. There shall be no order as to costs.

(S.M.SUBRAMANIAM J.)(C.SARAVANAN J.)

10-09-2025

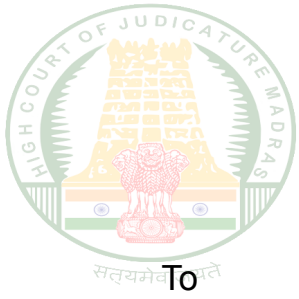
Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

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rep. by its Secretary, Ministry of
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