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THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2025

CORAM:

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

W.A.No. 393 of 2025
and
C.M.P.No.3238 of 2025

1.K.Papathi
2.P.Savithri

3.K.Santhamani

4.B.Rangaraj

5.K.Sakunthalamani

6.L.Savithri

7.S.Subbulakshmi

8.C.Kumar ...Appellants

Vs.

1.S.Subbulakshmi

2.The District Collector,
Coimbatore District,
Coimbatore.

3.The Revenue Divisional Officer,
Coimbatore North,
Coimbatore.

4.The Tahsildar,

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Coimbatore North Taluk,
Coimbatore. ...Respondents

PRAYER: The Writ Appeal filed under Clause 15 of the Letters Patent praying to set aside the order dated 13.11.2024 made in W.P.No.33101 of 2024.

For Appellant : Mr.J.Jayan

For Respondents : Mr.B.Harikrishnan for R1
Mr.D.Ravichander,
Spl.G.P for R2 to R4

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J U D G M E N T

(Judgment of the Court was delivered by S.M.SUBRAMANIAM, J.)

The present Writ Appeal has been instituted challenging the writ order dated 13.11.2024 made in W.P.No.33101 of 2024.

2. The respondents 4 to 11 in the Writ Petition have instituted the Writ Appeal before this Court. The 1st respondent filed the Writ Petition seeking a direction to cancel the chitta granted in favour of the appellants 7 and 8.

3. The learned Single Judge recorded that a civil suit had been instituted between the parties in O.S.No.653 of 2024 and is pending. However, a

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direction was issued to the Revenue Divisional Officer, Coimbatore North to consider the representation submitted by the writ petitioner on 15.07.2024, which relates to the request for cancellation of chitta No.8478. The writ Court has further directed to issue notice to the contesting respondents in the Writ Petition and after hearing the parties a speaking order was directed to be passed.

4. The question to be considered by this Court is as to whether the Revenue Authorities can take a decision for grant of patta, chitta or its cancellation during the pendency of the civil suit between the parties.

5. Rule 4 of the Tamil Nadu Patta Passbook Rules, 1987 deals with the procedure on receipt of application or information under the Patta Passbook Act, which reads as follows:

> ***4. Procedure on receipt of application or information.***
>
> *(1) On receipt of the application or information, the Tahsildar shall make an entry in the "Register of Applications Received" in the order of receipt in Form III. The Register shall be maintained village~wise.*
>
> *(2) On the basis of the information furnished in the application and as available in the existing land records or obtained otherwise, the Tahsildar shall cause to be served or despatched, under certificate of posting, to the persons having interest on the land a notice in Form IV calling upon them to*

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make representation either orally, or in writing at a specific place on a specified date which shall be not less than fifteen days and forty days later than the date of receipt of the application or information.

(3) On the prescribed date, the Tahsildar shall conduct a summary enquiry. At the enquiry, on consideration of age, literacy and occupation, the Tahsildar may permit an authorised agent of the owner to appear on his behalf to supplement whatever the owner has to state orally or in writing. No legal practitioner in his professional capacity shall be allowed to represent any party at such an enquiry. There shall not be adjournment of the enquiry not more than twice and that adjournment shall be granted only on application made by the parties requesting for adjournment. Reasons for granting or refusing the adjournment shall be recorded by the Tahsildar in writing.

(4) 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 impringe 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 order on the ownership from a competent Civil Court having jurisdiction before changing the entries as already recorded and existing in the various revenue records.

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(5) The Tahsildar shall first obtain declaration in Form V from the owner who has not made any application for Patta Pass Book and, then, he shall issue Patta Pass Book in accordance with the provisions of the Act.

(6) (i) The Tahsildar shall publish a notice in the District Gazette informing that a copy of Form VII will be available in a conspicuous place in the village for verification for a period of seven days from the date of publication of notice inviting the land owners to file their objections, if any, in writing, to the Tahsildar within twenty~two days from the date of publication of notice and such notice shall also be published in the manner specified in sub~rule (i) of rule 3 on expiry of the period specified in the notice. Further enquiry shall be conducted. If necessary, and Form VII corrected accordingly. Only thereafter, entries in the Register in Form VII shall be made village~wise for the entire taluk.

(ii) The Tahsildar while passing orders shall see that in the cases of land assigned to Scheduled Castes/Scheduled Tribes, under conditional assignment, the conditions under which they are granted are not violated and transfers to non~Scheduled Castes and Scheduled Tribes are not recognised. The Tahsildar shall record in the Register of Patta Pass Book, China and Patta Pass Book in red ink, the condition that the land is non~alienable to a person other than Scheduled

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Castes/Scheduled Tribes, as the case may be.

(iii) When breach of conditions, if any, are noticed in the cases of lands assigned conditionally, the Tahsildar shall report to the Revenue Divisional Officer for further follow up action for the resumption of such land or lands under the provisions in Revenue Standing Order.

(7) The person who acquires by succession, survivorship, inheritance, partition, purchase, or otherwise or by decree or order of a Court or by order of the Government or other authority, any right in or over any land as owner shall send a report in writing to the Tahsildar with details of such acquisition of rights. *On receipt of such report, the Tahsildar shall make an enquiry in accordance with the procedure set out in these rules for the purpose of modification of entries in the Patta Pass Book already issued or for the purpose of issuing new Patta Pass Book. Within fifteen days of completion of the said enquiry, the Tahsildar shall make arrangement so for issuing orders for modification of entries in the Patta Pass Book or for effecting sub~divisions, if necessary, on collection of sub~division fee~of Rs. 3 (Rupees three only) by way of Court~fee labels and to make necessary entries in the Patta Pass Book or for issue of a new Patta Pass Book or otherwise, as the case may be. The aforesaid order shall be communicated to the parties concerned under certificate of posting or by service in person. A copy of the said order shall be*

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communicated to the office of the Sub~Registrar exercising jurisdiction over the land concerned.? [Emphasis supplied]

6. In view of the legal position with reference to the provision of Patta Passbook Act and Rules framed thereunder, only in the event of establishing the ownership, an applicant is entitled for patta. In the event of any dispute, the parties have to resolve the same by approaching the competent civil Court of law.

7. In the present case, a civil suit is pending. Therefore, any adjudication by the Revenue Authorities or passing of order may cause prejudice to either of the parties. Therefore, all such revenue proceedings are to be kept in abeyance, till such time the civil rights between the parties are finalized. After reaching finality, either of the parties may submit an application for grant of patta or chitta or its cancellation or for mutation of revenue records under the provisions of the relevant statute and Rules in force.

8. In view of the above facts and circumstances, the writ order dated 13.11.2024 made in W.P.No.33101 of 2024 is set aside. The Writ Appeal stands **allowed**. The civil Court is requested to adjudicate the issue based on the documents and evidence, independently on its own merits, uninfluenced by the

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observations made on the facts by the writ Court or in the present order. No costs. Consequently, the connected miscellaneous petition is closed.

(S.M.S., J.) **(C.S.N., J.)**
11.09.2025

dsa
Index :Yes/No
Neutral Citation :Yes/No
Speaking/Non-speaking order

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