THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.A.No. 2560 of 2025

1.R.Visalakshi

2.Sanjeev ..Appellants

Vs.

1.K.Velusamy

2.G.V.Saranya

3.The District Collector,
Coimbatore District Collector Office,
Coimbatore – 641 018.

4.The District Revenue Officer,
Coimbatore District.

5.The Revenue Divisional Officer,
Coimbatore District.

6.The Tahsildar,
Coimbatore North Taluk,
Coimbatore District – 641 018. ...Respondents

PRAYER: The Writ Appeal filed under Clause 15 of the Letters Patent praying to set aside the order passed in W.P.No.19608 of 2025 dated 29.05.2025 by allowing the present Writ Appeal.

For Appellants : Mr.R.Jayaprakash

For Respondents : Mr.Sam Jayaraj Houston
for M/s.Sarvabhauman Associates for R1&R2
Mr.D.Ravichander, Spl.G.P for R3 to R6

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J U D G M E N T

(Order of the Court was made by S.M.SUBRAMANIAM, J.)

Under assail is the writ order dated 29.05.2025 in W.P.No.19608 of 2025.

2. The respondents 5 and 6 are the appellants before this Court. The Writ Petition has been instituted challenging the enquiry notice issued by the District Revenue Officer/ appellate Authority under the Tamil Nadu Patta Passbook Act in proceeding dated 25.04.2025.

3. The writ Court disposed of the Writ Petition by relegating the parties to resolve the issues through the competent civil Court of law. It is further held that the enquiry into the patta proceedings are to be undertaken after crystallization of the civil rights between the parties.

4. The learned counsel for the appellants would mainly contend that the appellants have purchased the property through e-auction conducted by the Authorized Officer under the SARFAESI Act. They were the successful bidders and sale certificate was issued in their favour. The petition filed before the Debt Recovery Tribunal to set aside the sale certificate failed. Thus the appellants filed an application seeking patta. The Tahsildar has granted patta. The respondents 1 and 2 filed an application seeking cancellation of patta. In the said proceedings, the District Revenue Officer issued summons. The said summons came to be challenged by the respondents 1 and 2 on the ground that civil suits are pending. Mere pendency of the civil suits since not a bar for the appellants to secure patta based on the sale certificate issued by the Authorized Officer, the present Writ Appeal came to be instituted.

5. The learned Special Government Pleader would submit that during the pendency of the Civil Suit, the Revenue Authorities may not be in a position to adjudicate the issues between the parties. When the dispute touching upon the ownership is pending before the civil Court, the Authorities have to keep all the proceedings in abeyance till such time the civil dispute reaches finality.

6. The learned counsel for the respondents 1 and 2 would oppose by stating that they are the original owners of the property and purchased the property in the year 2008. The Central Bank of India committed a fraud in conducting auction sale of the subject property and in this context three civil suits have been instituted in O.S.Nos.1646 of 2012, 602 of 2014 and 997 of 2022. The writ Court also reiterated that during the pendency of these suits, the Revenue Authorities cannot conduct an enquiry. Thus, the Writ Appeal is to be rejected.

7. Considering the rival submissions made between the parties to the lis, this Court has to consider the scope of the provisions of the Patta Passbook Act for the purpose of entertaining an application seeking grant of patta or cancellation of patta. Section 3 of the Act states about issue of Patta Passbook Act. Sub-Section (1) stipulates that Tahsildar shall issue a patta passbook to every owner in respect of land owned by him, on an application made by him in this regard. The word “owner also” defined under Section 2(6) of the Act in the context of the definition read with Section 3 of the Act, the Revenue Authorities are empowered to issue patta only to the owner.

8. The question arises is as to whether the Revenue Authorities can entertain application, if any dispute touching upon the ownership has been raised between the parties. In this regard, Rule 4 of the Tamil Nadu Patta Passbook Rules in clear terms enumerates that "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 ruling on the ownership from a competent Civil Court having jurisdiction before changing the entries as already recorded and existing in the various revenue records. "

9. Therefore, the Act in an unequivocal terms reiterates that the Revenue Authorities cannot adjudicate the disputes relating to title / ownership. In the event of any objection or dispute regarding ownership, the parties have to be relegated to approach the competent civil Court of law. On reaching finality any one of the parties may submit an application for grant of patta, cancellation of patta or mutation of revenue records, as the case may be.

10. In this context, it would be relevant to consider the plaint in OS.No.1646 of 2012 instituted by the respondents 1 and 2 along with one Vijayalakshmi, who is the wife of the 1st respondent Mr.Velusamy. The relief sought for in the plaint is for a declaration that the Central Bank of India is not entitled to proceed in any manner whatsoever against the property as described in the suit schedule. When such a declaratory relief is sought for by the original owner of the subject property, it would be touching upon the ownership and therefore, the Revenue Authorities cannot entertain an application for grant of patta, cancellation of patta or otherwise.

11. The writ Court has rightly arrived a conclusion that the parties have to establish their respective civil rights for the purpose of conducting adjudication under the Tamil Nadu Patta Passbook Act and the Rules framed thereunder. In order to have a balanced approach and to protect the interest of all the parties, this Court is of the considered view that all the revenue proceedings under the Patta Passbook Act are to be kept in abeyance till such time the parties secure appropriate relief from the competent civil Court. Thereafter any of the parties may move an application before the Revenue Authorities seeking patta, cancellation of patta or to mutate the revenue records. The parties have to adjudicate their rights independently based on the documents and evidence available on record.

12 In view of the above facts and circumstances, the Revenue Authorities are directed to keep all the patta proceedings in abeyance and only after resolving the civil dispute and reaching a finality, any one of the parties may approach the Revenue Authorities for consideration of their claim for grant of patta or cancellation of patta.

13. With these clarifications, this Writ Appeal stands **disposed of.** No costs.

(S.M.S., J.) **(M.S.Q., J.)**
23.09.2025

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

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