



WEB COPY



W.A.No.3742 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE P. DHANABAL

W.A.No.3742 of 2024

and

C.M.P.No.29512 of 2024

- 1.Kanniappan
- 2.Poongan
- 3.Madhu
- 4.Periyapaiyan @ Raji
- 5.Duraisamy
- 6.Raji
- 7.Perumal
- 8.Govindan
- 9.Chennammal
- 10.Raji
- 11.Moorthy
- 12.Lakshmanan
- 13.Raman
- 14.Manjula
- 15.Sathya
- 16.Poongavanum

... Appellants

Vs.



W.A.No.3742 of 2024

WEB COPY

- 1.T.R.Dhanalakshmi
- 2.The District Collector,
District Collectorate Office,
Krishnagiri District.
- 3.The District Revenue Officer,
DRO Office,
Krishnagiri District.
- 4.The Revenue Divisional Officer,
Sub-Collector Office, Hosur,
Krishnagiri District.
- 5.The Tahsildar,
Taluk Office, Denkanikottai,
Krishnakiri District.
- 6.The Zonal Deputy Tahsildar,
Rayakottai Zonal,
Denkanikottai,
Krishnagiri District.
- 7.The Revenue Inspector,
RI Office, Rayakottai,
Krishnagiri District.
- 8.The Village Administrative Officer,
VAO Office, Nellur Revenue Village,
Denkanikottai Taluk,
Krishnagiri District.
- 9.Syed Ajmal



W.A.No.3742 of 2024

10.Nakinabegum

11.M.M.Kishore Kumar

12.M.M.Santhana Kumar

13.S.M.Jothibass

... Respondents

Prayer:- Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 30.05.2024 in W.P.No.14483 of 2024 on the file of this Court.

For Appellants : M/s.R.Poornima

For R2 to R8 : Mr.A.Selvendran
Special Government Pleader

J U D G M E N T

(Judgment was delivered by **S.S. SUNDAR, J.**)

This Writ Appeal is directed against the order of the learned Single Judge dated 30.05.2024 made in W.P.No.14483 of 2024.

2.The writ petition was filed by the 1st respondent for issuing a Writ of Mandamus directing the respondents 3 and 4 therein to consider and pass orders on the writ petitioner's representation requesting to cancel the patta



W.A.No.3742 of 2024

issued in the name of the private respondents. The writ petition was disposed of by the learned Single Judge by directing the 3rd respondent, Revenue Divisional Officer, to consider the representation filed by the writ petitioner on 01.11.2021, giving notice to the parties concerned with the property.

3.The only grievance expressed by the learned counsel for the appellants is that the appellants, who are the contesting respondents in the writ petition, were not heard before directing the official respondents to consider the representation of the writ petitioner. It is further contended that a Civil Suit is pending. Pendency of Civil Suit is not a ban for the appellate authority to dispose of the appeal relating to patta. Though a decision of Revenue is not binding on the Civil Court to decide the question of title, it does not mean the authority cannot deal with the matter based on previous entries in Revenue records. When the matter involves serious disputed questions of facts which can be resolved only by Civil Court, the Revenue authorities can either direct the parties to await the result in Civil Suit or can pass order which will be valid subject to the declaration of title by Civil



W.A.No.3742 of 2024

Court.

WEB COPY

4.This Court is also of the view that a direction of this nature is necessary, especially when the 3rd respondent is the Appellate Authority to consider the representation filed by the writ petitioner if she has a rival claim to patta which can be considered under Section 10 of Patta Passbook Act. Therefore, the learned Judge is right in disposing of the writ petition having regard to the limited scope of the prayer. There is absolutely no irregularity or illegality in the order of the learned Single Judge. Hence, this Court finds no merit in this Appeal.

5.Therefore, this Writ Appeal is dismissed, however, preserving the liberty of the appellants to raise their objections to the representation of the writ petitioner/1st respondent and taking note of civil dispute which is pending before the Civil Court. No costs. Consequently, connected miscellaneous petition is closed.

(S.S.S.R., J.) (P.D.B., J.)
03.01.2025

mkn



W.A.No.3742 of 2024

WEB COPY

Internet : Yes

Index : Yes

Neutral Citation : Yes

To

- 1.The District Collector,
District Collectorate Office,
Krishnagiri District.
- 2.The District Revenue Officer,
DRO Office,
Krishnagiri District.
- 3.The Revenue Divisional Officer,
Sub-Collector Office, Hosur,
Krishnagiri District.
- 4.The Tahsildar,
Taluk Office, Denkanikottai,
Krishnakiri District.
- 5.The Zonal Deputy Tahsildar,
Rayakottai Zonal,
Denkanikottai,
Krishnagiri District.
- 6.The Revenue Inspector,
RI Office, Rayakottai,
Krishnagiri District.
- 7.The Village Administrative Officer,
VAO Office, Nellur Revenue Village,



WEB COPY

Denkanikottai Taluk,
Krishnagiri District.



W.A.No.3742 of 2024

S.S. SUNDAR, J.
and
P. DHANABAL, J.

mkn

W.A.No.3742 of 2024

03.01.2025

Page 7