

W.P.No.37992 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 13.03.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.37992 of 2024
and W.M.P.No.41085 of 2024

S.Imranbasha

.. Petitioner

Vs.

1.The District Collector,
Dharmapuri.

2.The District Revenue Officer,
Dharmapuri.

3.The Tahsildar,
Pappireddipatti Taluk,
Dharmapuri District.

4.S.Ismad Basha

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order in Pa.mu.29530/2023/u2 dated 22.02.2024 passed by the 2nd respondent and quash the same and consequently direct the 2nd respondent to restore the Patta No.2909 in Sr.No.299/2 to the extent of 3.32 Acres of land in favour of the petitioner name is situated at Thaalatham (Post & Village), Pappireddipatti Taluk, Dharmapuri District within a stipulated period.



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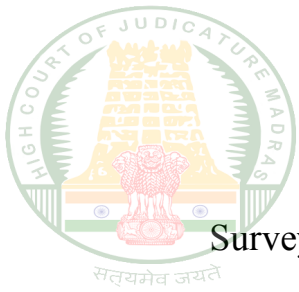
For petitioner : Mr.E.K.Kumaresan
For RR 1 to 3 : Mr.M.R.GokulKrishnan
Additional Government Pleader
For R4 : Mr.C.Prabakaran

ORDER

This writ petition has been filed challenging the impugned proceedings of the 2nd respondent dated 22.02.2024 and for a consequential direction to the 2nd respondent to restore patta No.2909 in Survey No.299/2 in favour of the petitioner.

2.Heard the learned counsel for the petitioner, the learned Additional Government Pleader for respondents 1 to 3 and the learned counsel for the 4th respondent.

3.The specific case of the petitioner is that he has purchased the subject property at Survey No.299/2 admeasuring an extent of 110 cents and another extent of 2.20 acres through two registered sale deeds dated 22.01.2019 and 17.09.2019. The patta also stood in the name of the petitioner in patta No.2909. While so, a representation was made by the 4th respondent seeking for the cancellation of the patta with respect to



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Survey No.299/2. Based on the same, an enquiry was conducted and the 2nd respondent has passed the impugned order dated 22.02.2024, cancelling the patta granted in favour of the petitioner and directing the patta to be restored in the name of Shaik Abdul Kadhar and Amina Bi.

4.It is seen from records that the petitioner is claiming right and title over the subject property from one branch and the 4th respondent is claiming right and title over the property from another branch. There is already a civil suit instituted by the petitioner in O.S.No.82 of 2024 before the Sub Court at Pappireddipatti, seeking for the relief of declaration and permanent injunction against the 4th respondent. The said suit is pending. In this suit, both the parties can let in evidence and establish their right and title over the subject property in the Survey No.299/2.

5.The 2nd respondent while passing the impugned order has virtually gone into the right and title of the property which is beyond the scope of enquiry under the Patta Passbook Act. That apart, in the counter affidavit filed by the 2nd respondent he has taken a stand that if the pendency of the suit had been informed to the 2nd respondent, the 2nd



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respondent would not have passed any order and that he would have relegated the parties to the Civil Court. Since, the same was not informed, the 2nd respondent had proceeded to pass orders.

6.It is not necessary for this Court to go into the tracing of title that was done on the side of the petitioner and the 4th respondent. That can be done before the competent Civil Court where the suit is pending. The impugned order passed by the 2nd respondent was stayed by this Court when the writ petition was entertained and till date, the interim order operates. Therefore, the order passed by the 2nd respondent has not been implemented. In such an event, it will be more appropriate to relegate the parties to the Civil Court where the suit is pending in O.S.No.82 of 2024 and it is left open to the petitioner and the 4th respondent to raise all the grounds before the concerned Civil Court. It will be considered on its own merits and in accordance with law. The order passed by the 2nd respondent dated 22.02.2024 can be kept in abeyance. Ultimately, depending upon the final result in the suit, the revenue authorities can take a decision. If the petitioner succeeds, the order passed by the 2nd respondent dated 22.02.2024 will automatically fall. If the 4th respondent succeeds, the order passed by the 2nd respondent dated 22.02.2024 can be



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sustained. This arrangement will sufficiently take care of the interest of both the petitioner and the 4th respondent. The Civil Court will not be bound by any of the findings rendered by the 2nd respondent in the impugned proceedings dated 22.02.2024. The revenue records can continue to stand in the name of the petitioner till the disposal of the suit.

7.In the result, this Writ Petition is disposed of in the above terms.

Consequently, the connected Miscellaneous Petition is closed. No costs.

13.03.2025

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

- 1.The District Collector,
Dharmapuri.
- 2.The District Revenue Officer,
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- 3.The Tahsildar,
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Dharmapuri District.

N.ANAND VENKATESH, J.



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