

Ref.No.K3/27160/2008

O/o The Additional Chief Secretary/
Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai-600005.

Dated:13.03.2018.

CIRCULAR

Sub: W.P.No.9215 of 2013 - Patta Transfer disputes - Orders passed by the Revenue authorities during the pendency of civil suits in the Civil Courts - Instructions - Reg.

Ref: 1. Hon'ble High Court of Madras order dated 23.10.2017 in W.P.No.9215 of 2013

The Hon'ble High Court of Madras in their order dated 23.10.2017 in W.P.No.9215 of 2013, have marked a copy to the Commissioner of Land Administration and instructed to take note of the Patta Pass Book Act, 1983 and the Rules made thereunder and issue consolidated instructions to all the Tahsildars/Appellate Authorities to avoid all such conflicting decisions and creation of conflicting interest between the parties in this regard.

2. It is seen from the order of the Hon'ble High Court that when a civil suit was pending between the parties over a disputed land, the Revenue Divisional Officer, Ponneri, has passed orders transferring patta in favour of one of the parties. When the aggrieved party has approached the Hon'ble High Court of Madras in W.P.No.9215 of 2013, the Hon'ble High Court of Madras has given the directions to the Commissioner of Land Administration.

3. In compliance with the orders of the Hon'ble High Court above cited, the following instructions are issued:

a. Patta should show the names of persons who are the real owners of the land and should be maintained accurately.

b. Whenever, unsolved disputes arise between the parties, the revenue authorities should bear in mind that only civil courts are competent to decide the title.

c. If any appeal or revision is filed before the Revenue Divisional Officer or District Revenue Officer respectively, the authority concerned should ensure that there is no civil suit pending over the disputed land.

d. If any interested/contesting party has brought to the notice of the concerned authority about the pending suits over the disputed land with the objection supported by a declaration that a civil suit has been filed and is accompanied by an authenticated copy of the plaint, the concerned authority should not pass any orders. Instead, the parties concerned should be directed to seek remedy in the pending suits and approach the revenue authorities on the basis of decree and judgment of the civil court.

e. The Revenue Divisional Officer and District Revenue Officer should scrupulously ensure to mention in their orders under which Revenue Standing Order, the appeal or revision is disposed of

The District Collectors are requested to ensure that the copy of this circular is duly acknowledged by all the subordinate officers without fail. The District Collectors are requested to acknowledge the receipt of this circular immediately.

Sd/- V.K. Jeyakodi
Additional Chief Secretary/
Commissioner of Land Administration.

To

All District Collectors (By R.P.A.D/Email)
All District Revenue Officers (By Email)
All Revenue Divisional Officers (By Email)

//Forwarded by order//

Superintendent