

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24-06-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.18206 OF 2015
and
M.P.No.1 of 2015

Anjena Reddy

... Petitioner

-vs-

1. The District Revenue Officer,
Krishnagiri District.
2. The Sub-Collector,
Hosur,
Krishnagiri District.
3. The Tahsildar,
Hosur,
Krishnagiri District.
4. Krishna Reddy
5. Anuma Reddy
6. Kanthammal
7. Muni Reddy
8. Prabakar Reddy
9. Anummaiah

... Respondents

Writ Petition has been filed praying for issuance of a writ of mandamus, forbearing the third respondent from altering Patta Nos.1,3,6,18,19,25,37,38,39,40, 42,47 and 63, the lands situate at Kempasandiram Village, Hosur, Taluk, Krishnagiri District, till the disposal of statutory appeal petition, dated 08.06.2015, on the file of the second respondent under Section 12 of Tamail Nadu Patta Passbook Act,1983.

For petitioner : Mr.R.Bharath Kumar

For respondents : Mr.V.Subbiah,
1 to 3 Special Government Pleader

O R D E R

By consent, the Writ Petition is taken up for disposal.

2. The petitioner claims right to land, admeasuring an extent of 32 acres and 87 cents, comprised in Survey Nos.3,4,10,11,12 and 19 of Kempasandiram Village, Hosur Taluk, Krishnagiri District, under a registered sale deed No.29/1884,

dated 11.07.1885, on the file of the office of Sub-Registrar, Hosur, for which he applied for computerised patta and, at that time, he came to know that the names of respondents 4 to 9 were wrongly included, whereupon, he immediately submitted a representation, dated 30.12.2012, requesting the respondents/authorities to rectify the said mistake by deleting the wrong entries and, since no orders had been passed thereon, he filed W.P.No.5342 of 2013, wherein, this Court directed the third respondent to consider and dispose of his representation in accordance with law within a stipulated time; however, the Tahsildar, namely, third respondent, without taking note of the facts and circumstances and also the documents, passed an order, dated 18.05.2015, rejecting his request, and, challenging the legality of the same, he has preferred an appeal to the second respondent/Sub-Collector, Hosur, on 08.06.2015, and, in the interregnum, the third respondent/Tahsildar has, once again, summoned the petitioner for enquiry with regard to the deletion of names and, hence, he has approached this Court, by way of this Writ Petition.

3. Learned counsel for the petitioner would submit that there is no provision for stay during the pendency of the appeal before the appellate authority and, in view of the notice issued by the third respondent, calling upon the petitioner to appear for enquiry, the petitioner is constrained to approach this Court, and, accordingly, he prays for appropriate orders.

4. This Court heard the submissions of Mr.V.Subbiah, learned Special Government Pleader, who took notice on behalf of respondents 1 to 3.

5. It is a settled position of law, that, even in the absence of any provision for stay, once an appeal is entertained, the appellate authority shall also have the power to entertain an application for stay.

6. In the light of the above settled legal provision, the petitioner is at liberty to file an application for stay in the appeal, pending before the second respondent, within one week from the date of receipt of a copy of this order, who, on receipt, is directed to take up the application for stay first and, upon giving an opportunity of hearing to the petitioner as well as to private individuals, namely, respondents 4 to 9, pass orders on the application for stay within three weeks and, till then, the third respondent shall defer the proceedings in Na.Ka.9433/2015/C3, dated 12.06.2015.

7. Writ Petition is disposed of accordingly. No costs. Consequently, the connected M.P.No.1 of 2015 is closed.

Sd/-
Assistant Registrar(CO)

dixit

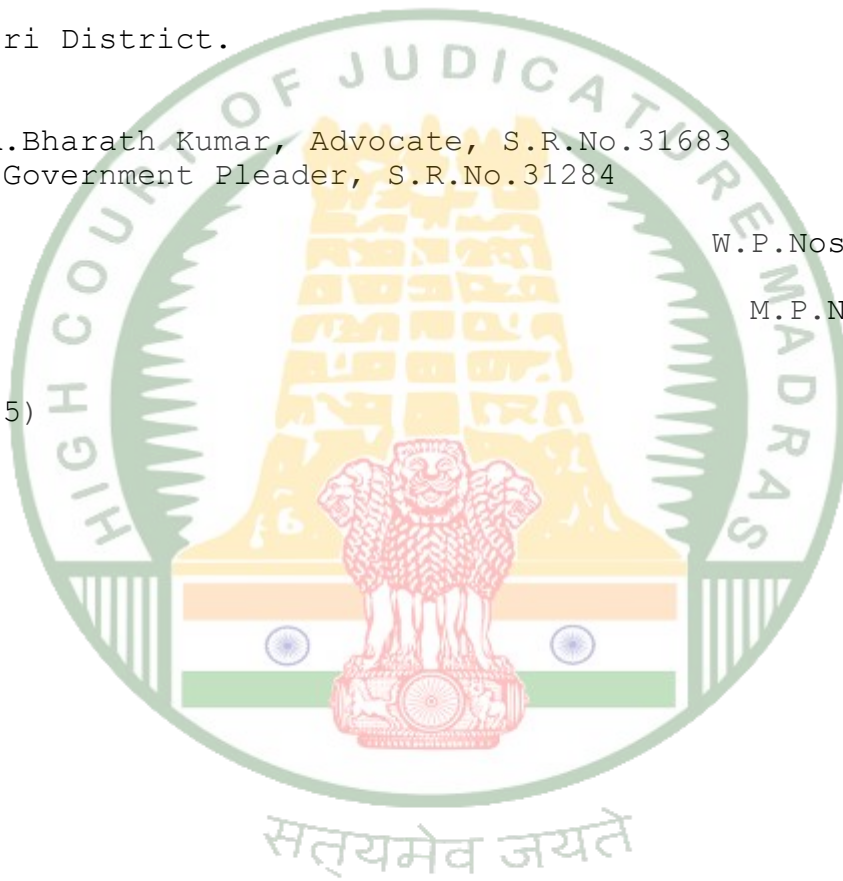
To

1. The District Revenue Officer,
Krishnagiri District.
2. The Sub-Collector,
Hosur,
Krishnagiri District.
3. The Tahsildar,
Hosur,
Krishnagiri District.

+1cc to Mr.R.Bharath Kumar, Advocate, S.R.No.31683
+1cc to the Government Pleader, S.R.No.31284

W.P.Nos.18206/2015
and
M.P.No.1 of 2015

SV(CO)
CA(06/07/2015)



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