

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.02.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.11900 of 2013

M.Ramesh

.. Petitioner

Vs.

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Hosur, Krishnagiri District.

2.The Tahsildar,
Hosur,
Krishnagiri District.

3.R.Rajanna ... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of Mandamus to direct the respondents 1 and 2 not to conduct any enquiry in relating to the patta transfer proceeding in the subject matter of the S.No.199/1 of Bagalur Village, Hosur Taluk till the disposal of the suit in O.S.No.295 of 2008, on the file of the District Munsif Court, Hosur filed by the petitioner as against the third respondent.

For Petitioner : Mr.R.Ezhilarasan

For Respondents : Mr.V.Jayaprakash Narayanan Spl.G.P.,
for RR1 and 2

Mr.K.Govi Ganesan for R3

O R D E R

By consent of the learned counsels on either side, the writ petition is taken up for final disposal.

2.Heard Mr.R.Ezhilarasan, learned Counsel appearing for the petitioner and Mr. V.Jayaprakash Narayanan, learned Special Government Pleader appearing for the respondents 1 and 2 and

Mr.K.Govi Ganesan, learned counsel appearing for the third respondent.

3. The petitioner seeks for issuance of a Writ of Mandamus to direct the respondents 1 and 2 not to conduct any enquiry in relating to the patta transfer proceeding relating to the land comprised in S.No.199/1 of Bagalur Village, Hosur Taluk till the disposal of the suit in O.S.No.295 of 2008, on the file of the District Munsif Court, Hosur filed by the petitioner as against the third respondent.

4. Admittedly, the third respondent filed an earlier application before the Revenue Divisional Officer for grant of patta and the first respondent considered his representation, dated 03.09.2012 and passed an order on 18.12.2012, stating that the third respondent has to await the decision in O.S.No.259 of 2008 and CRP.No.4621 of 2011. Once again the third respondent gave another application to the Tahsildar and filed a Writ Petition before this Court in W.P.No.2937 of 2013 and this Court disposed of the Writ Petition at the admission stage by an order on 06.02.2013 directing the respondents therein to considered the said application on merits and in accordance with law. Based on the said direction given by this Court, a fresh notice has been issued by the first respondent to the petitioner. Challenging the same, the Petitioner is before this Court.

5. It is pertinent to note that the suit filed by the petitioner for declaration of title and permanent injunction is pending. The said suit has been filed against eight defendants and the third respondent herein is the fourth defendant in the said Suit. Furthermore, a Civil Revision Petition is also pending and when the third respondent's earlier application was considered, the first respondent by order dated 18.12.2012, passed an order stating that he has to await the decision of the Civil Court, and therefore, the first respondent has no jurisdiction to issue fresh notice for the same cause on which he has already taken a decision.

6. Hence, the Writ Petition is allowed and the impugned order is set aside. It is left open to the parties namely, the petitioner as well as the third respondent to work out their rights before the Civil Court. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

pbn

To

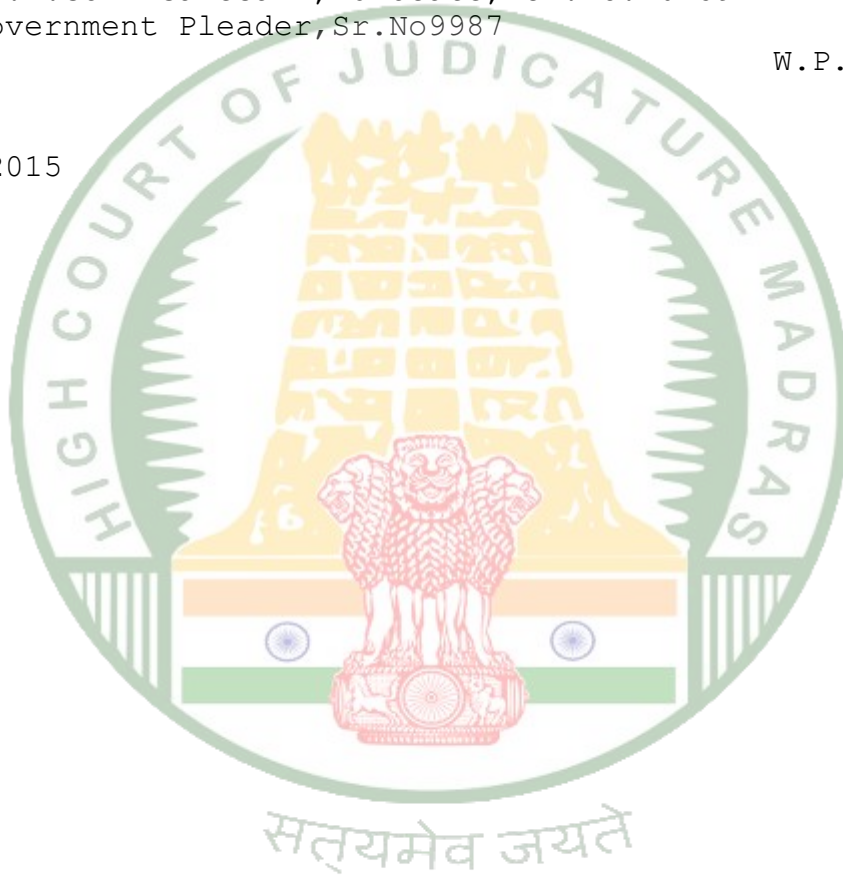
1.The Revenue Divisional Officer,
Revenue Divisional Office,
Hosur, Krishnagiri District.

2.The Tahsildar,
Hosur,
Krishnagiri District.

1 cc to Mr.R.Ezhilarasan ,Advocate, SR.No.10387
1 cc to Mr.K.Govi Ganesan ,Advocate, SR.No.10159
1 cc to Government Pleader,Sr.No9987

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