

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2017

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.22974/2015 and M.P.No.1 of 2015

R.Gopal Reddy

.. Petitioner

Vs.

1. The District Collector,
Krishnagiri District,
Krishnagiri.
2. The District Revenue Officer,
Krishnagiri District,
Krishnagiri.
3. The Revenue Divisional Officer-cum-
Sub-Collector, Hosur, Krishnagiri District.
4. The Tahsildar,
Hosur Taluk,
Krishnagiri District.
5. Obamma

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Certiorari and Mandamus, calling for the records pertaining to the proceedings of the 3rd respondent in Na.Ka.5089/2014/B3 dated 20.07.2015 and quash the same as illegal, incompetent and ultra vires and consequently, forbear the 3rd respondent from conducting enquiry pertaining to the property in S.No.634/2, Nallur Village, Hosur Taluk, Krishnagiri District.

For Petitioner : Mr.R.Jayaprakash

For Respondents: Mr.R.Rajeswaran,
Spl. Govt. Pleader for R1 to R4
Mr.N.E.A.Dinesh for R5

O R D E R

The petitioner has filed the above Writ Petition seeking to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the proceedings of the 3rd respondent in Na.Ka.5089/2014/B3 dated 20.07.2015 and quash the same as illegal, incompetent and ultra vires and consequently, forbear the 3rd respondent from conducting enquiry pertaining to the property in S.No.634/2, Nallur Village, Hosur Taluk, Krishnagiri District.

2. It is the case of the petitioner that the 4th respondent has issued patta in his favour which is under challenge before the 3rd respondent in the impugned proceedings. The 3rd respondent issued the impugned notice dated 20.07.2015 calling upon the petitioner to appear for enquiry on 24.07.2015.

3. The learned Counsel appearing for the petitioner submitted that the petitioner has filed a suit in O.S.No.67/2015 on the file of the District Munsif Court, Hosur for declaration and for permanent injunction and the said suit is pending.

4. The learned Counsel appearing for the 5th respondent submitted that the trial court may be directed to dispose of the suit expeditiously within a limited period and based on the result of the civil suit, the patta issued by the 4th respondent may be modified or confirmed.

5. Heard Mr.R.Rajeswaran, the learned Special Government Pleader appearing for the respondents 1 to 4.

6. In view of the submissions made by the learned Counsel on either side, since the civil suit filed by the petitioner is still pending on the file of the District Munsif Court, Hosur in O.S.No.67/2015, I am of the view that the trial court may be directed to dispose of the said suit expeditiously and based on the result of the civil suit, the parties can approach the authorities for modifying the patta issued in favour of the petitioner.

7. Accordingly, I direct the learned District Munsif, Hosur, to dispose of the civil suit in O.S.No.67/2015 on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this Order and it is also made clear that in the event of the petitioner succeeding in the suit, the 3rd respondent may confirm the order passed by the 4th respondent and in the event, the 5th respondent succeeding in the suit, the 3rd respondent has to incorporate the name of the 5th respondent in the patta issued by the 4th respondent.

8. With the above observation, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is also closed.

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To

1. The District Munsif, Hosur.
 2. The District Collector,
Krishnagiri District,
Krishnagiri.
 3. The District Revenue Officer,
Krishnagiri District,
Krishnagiri.
 4. The Revenue Divisional Officer-cum-
Sub-Collector, Hosur, Krishnagiri District.
 5. The Tahsildar,
Hosur Taluk,
Krishnagiri District.
- + 1 cc to M/s. R. Jayaprakash, Advocate SR.57639
+ 1 cc to M/s. V. Nicholas, Advocate SR.57414
+ 1 cc to the Government Pleader SR.57951

W.P.No.22974 of 2015

CP(CO)
Eu 24.08.17

सत्यमेव जयते

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