

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

S.A.No.181 of 2018
and C.M.P.No.4645 of 2018

1. Raja
2. Pedda Muniyappa
3. Sharadha
4. Chandrasekaran
5. Shantha
6. Ramesh
7. Subramanian
8. Anandan
9. Chandramma
10. Padma
11. N. Chinnappa
12. Gopallappa
13. Venkatesappa
14. Ramachandrappa
15. Govindaraj
16. Ranganath
17. Nagaraj
18. Roopa

... Appellants/Plaintiffs

Vs.

1. The Revenue Inspector
Avalapalli, Firka
RI Quarters,
Near Lakshmi Devi Talkies,
Royakotta Road,
Hosur Town, Taluk and Krishnagiri District.
2. The Village Administrative Officer,
Avalapalli Village,
Basthi
3. The Village Administrative Officer,
Anna Nagar,
Hosur Town, Post and Taluk,
Krishnagiri District.
4. The Special Tahsildar,
Arijan Welfare Office,
Krishnagiri

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5. The Special Tahsildar
Backward Class,
Welfare Department,
Krishnagiri
6. Tahsildar,
Taluk Office,
Hosur, Krishnagiri District.
7. The Sub Collector
Collectorate, Hosur
8. The District Collector,
Krishnagiri.
9. The District Revenue Officer,
Collectorate,
Krishnagiri ... Respondents/Defendants

Prayer:- Second Appeal is filed under Section 100 of the Code of Civil Procedure against the judgment and decree of the learned Subordinate Judge of Hosur dated 19.07.2017 in A.S.No.17 of 2015 confirming the judgment and decree of the learned District Munsif of Hosur dated 30.01.2015 in O.S.No.129 of 2010.

For Appellant: Mr.J.Hariharan
for Mr.V.Nicholas

JUDGMENT

Aggrieved by the concurrent findings of the Courts below, the plaintiffs have preferred the above Second Appeal in a suit filed by them for permanent injunction restraining the defendants, who are the revenue authorities, from raising any obstruction or to close the road by way of converting the patta land in Survey No.544/1 and restraining the defendants from cancelling the house patta issued in the name of the plaintiffs.

2. According to the plaintiff, the suit Survey No.544/1 in Avalapali Village was originally classified as 'Meichal Poromboke'. Subsequently, 0.03 cents were allotted to plaintiffs 1 to 18. Accordingly, the plaintiffs were in possession of the same. There is a road East-West measuring about 20 feet, which has been used by the plaintiffs. It is stated that the defendants tried to cancel the patta standing in the name of the plaintiffs. Hence, the suit has been filed.

3. Though the defendants remained ex-parte before the Courts below, the suit was dismissed mainly on the ground that the suit is barred under Section 14 of the Tamil Nadu Patta Pass

Book Act.

4. Learned counsel for the appellants argued that there would be no purpose in allotting the land sites to the landless poor without providing them an access to reach their houses. Therefore, the defendants would not be allowed to close the existing road by taking the law into their own hands. The existing road running East-West, measuring a width of 20 feet as the access to the plaintiffs to reach the road from their houses, was earlier approved by the Backward Classes Welfare department.

5. When the plaintiffs have not proved the cause of auction, the suit was rightly dismissed by the Courts below. In other words, as stated earlier, the suit is not maintainable under Section 14 of the Tamil Nadu Patta Pass Book Act, 1983. As the suit is also expressly barred under Section 9 of Code of Civil Procedure Code, the plaintiffs have been rightly non-suited by the Courts below. As there is no infirmity in the findings of the Courts below and in the absence of any substantial question of law, this Court finds no reason to interfere with the same.

6. Accordingly, the Second Appeal is dismissed confirming the judgment and decree of the Courts below. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

srn

To

1. The Subordinate Judge, Hosur

2. The District Munsif, Hosur

+1 CC to Mr.V. Nicholas, Advocate sr 20557

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SP(16/04/2018)