

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.12.2018

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.20241 of 2018

and

W.M.P.No.23738 of 2018

C.Nanjappan

... Petitioner

Vs.

1. The District Collector,
Dharmapuri District,
Dharmapuri.

2. The District Revenue Officer,
District Revenue Office,
Dharmapuri District,
Dharmapuri.

3. The Revenue Divisional Officer,
Revenue Divisional Office,
Dharmapuri.

4. The Tahsildar,
Karimangalam Taluk,
Karimangalam.

5. K.Perumal

...

Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the second respondent dated 14.06.2018, in proceedings No.Na.Ka.2321/2016/Pa2 arising out of proceedings of the 3rd respondent, dated 11.12.2017, in proceedings No.Pa.Mu.No.5769/2017/A3 and quash the same and consequently direct the second and third respondents not to conduct enquiry in respect of the Patta No.1278, issued by the fourth respondent in petitioner's favour.

For Petitioner : Mr.Ramesh Kumar

For RR1 to 4 : Mr.V.Shanmugasundar,
Special Government Pleader

For R5 : No Appearance.

O R D E R

This Writ Petition has been filed seeking to issue a Writ of Certiorarified Mandamus to call for the records of the second respondent dated 14.06.2018, in proceedings No.Na.Ka.2321/2016/Pa2 arising out of proceedings of the 3rd respondent, dated 11.12.2017, in proceedings No.Pa.Mu.No.5769/2017/A3 and quash the same and consequently direct the second and third respondents not to conduct enquiry in respect of the Patta No.1278, issued by the fourth respondent in petitioner's favour.

2. It appears that the fifth respondent was the owner of 79 cents of agricultural land comprised in Survey No.38/1C of Jakkasamuthiram Village, Palacode Taluk, Dharmapuri District. The petitioner is an agreement holder to purchase 30 cents of the land out of 79 cents of land in Survey No.38/1C. There is also a suit pending in O.S.No.112 of 2015 before the District Munsif Court, Palacode for specific performance against the fifth respondent. The fifth respondent, who is the defendant in the suit, made a representation requesting the third respondent to cancel the patta. An enquiry was also fixed based on the same on 20.06.2017 and during enquiry it is brought to the notice of the authorities that there was a Civil Suit pending before the District Munsif Court, palacode.

3. According to the petitioner, he is in possession of the suit property for a long time, but based on the representation, the third respondent has passed an order on 11.12.2017 cancelling the patta issued by the fourth respondent in his favour. Aggrieved by the same a revision has been filed before the second respondent. The second respondent has passed the impugned order dated 14.06.2018, in Proceedings No. Na.Ka.2321/2016/Pa2.

4. According to the petitioner, when already the matter is sub judice before the Civil Court, the revenue authorities ought not to have proceeded with the enquiry.

5. Heard Mr.D.Ramesh Kumar, learned Counsel appearing on behalf of the petitioners and Mr.V.Shanmugasundar, learned Special Government Pleader appearing on behalf of the respondents 1 to 4.

6. No doubt, it is not a suit based on title, it is only a suit for specific performance and as on date, the petitioner has no valid title and his title will be decided subject to the result of the suit.

7. The petitioner is challenging the cancellation of patta issued in his name. The petitioner can claim any right, title over the property based on the result of the suit, which is filed for specific performance. Since he has got no title as on today, he has to wait for the outcome of the suit. Thus the authorities are directed to maintain the status-quo as on date and not to deal further with the enquiry. Once the suit is disposed of, subject to the result, the petitioner may ask for mutation of his name in the revenue records. The petitioner is also directed to expedite the Civil Suit filed by him and only the result of the suit would determine the title of the petitioner. It is made very clear that the revenue authorities should not alter the status of the title of the land as on date and maintain status-quo till the outcome of the suit.

8. With the above observations, the writ petition is disposed of and the impugned order passed by the second respondent in proceedings No.Na.Ka.2321/2016/Pa2 dated 14.06.2018 is modified. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

rsi/tta

To

1. The District Collector,
Dharmapuri District,
Dharmapuri.
2. The District Revenue Officer,
District Revenue Office,
Dharmapuri District,
Dharmapuri.
3. The Revenue Divisional Officer,
Revenue Divisional Office,
Dharmapuri.
4. The Tahsildar,
Karimangalam Taluk,
Karimangalam.

+ 1cc to Mr.D.Ramesh Kumar, Advocate, S.R.No.82698

W.P.No.20241 of 2018 and

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AK(CO)

SSM(04/01/2019)