

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2018

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P. No.24870 of 2018

and W.M.P.No.28911 of 2018

C.Anjana Reddy

... Petitioner

Vs

1. The District Revenue Officer (DRO)
Krishnagiri District,
Krishnagiri.

2. The Sub Collector
Hosur.

3. The Tahsildar
Hosur Taluk,
Hosur.

4. Hanumaiyah

5. Hanuma Reddy

6. Muni Reddy

7. Krishna Reddy

8. Prabhakar Reddy

9. Santhamma

10. Balakrishna Reddy

11. The Sub Registrar - Hosur
Hosur Town
Krishnagiri District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorarified mandamus calling for the records of the order passed by the first respondent District Revenue Officer on 28.03.2017 bearing Na.Ka 7537/2017 and quash the same and to pass consequent order directing the respondents 1 to 3 not to conduct any enquiry on the issue of changing names in the patta No.1,3,6,18,25,37,38,39 and 42 for the lands in survey No.3,4,9,10,11,12,15,16,17 and 19 in Kempasandran Village, Hosur Taluk, Krishnagiri District till the disposal of the connected civil litigations filed by the parties in O.S.No.23 of 2003 and O.S.No.31 of 2012 on the file of Sub Court, Hosur and O.S.No.186 of 2013 on the file of District Munsif Court, Hosur.

For Petitioner : Mr.P.T.Perumal

For R1 to R3 : Mr.J.Ramesh
Additional Government Pleader

For R5 to R10 : M/s.R.Poornima

For R11 : Mr.T.M.Pappiah,
Special Government Pleader

ORDER

This writ petition has been filed to quash the order dated 28.03.2017 passed by the first respondent and consequently, direct the respondents 1 to 3 not to conduct any enquiry with regard to name transfer in the patta Nos.1,3, 6, 18, 25, 37, 38, 39 and 42 for the lands in survey Nos.3,4,9,10,11,12,15,16,17 and 19 in Kempasandran Village, Hosur Taluk, Krishnagiri District till the disposal of the suits in O.S.Nos.31 of 2012 and 23 of 2003 on the file of the Sub Court, Hosur and O.S.No.186 of 2013 on the file of District Munsif Court, Hosur.

2. According to the learned counsel for the petitioner, the petitioner has been in possession and enjoyment of the lands in question. While so, the names of the respondents 4 to 9 have been wrongly included in the pattas pertaining to the aforesaid lands, which mistake was rectified by removing their names, by order dated 14.02.2002 passed by the third respondent, at the request of the brother of the petitioner. Thereafter, three suits have been filed by the respective parties, with regard to the lands in issue. During the pendency of the same, the second respondent passed an order dated 16.12.2015 recommending to remove the name of the petitioner in the pattas, at the instance of the respondents 4 to 9. Subsequently, the said order was set aside by the first respondent vide order dated 23.09.2016. However, the first respondent, at the instigation of the tenth respondent, recalled the said order dated 23.09.2016, re-opened the case and ordered for fresh enquiry, vide order dated 28.03.2017. Aggrieved over the same, the petitioner is before this Court.

3.The learned counsel appearing for the petitioner submitted that during the pendency of the civil proceedings between the parties, such orders came to be passed, which cannot stand in the eye of law. Therefore, the learned counsel sought to quash the same and allow this writ petition.

4. The submission so made by the learned counsel for the petitioner has been fairly conceded by the learned Additional Government Pleader appearing for the respondents 1 to 3, the

learned counsel appearing for the respondents 5 to 10 and the learned Special Government Pleader appearing for the eleventh respondent.

5. Heard all and perused the records.

6. Admittedly, three civil suits are pending between the parties in respect of the lands in question. In such circumstances, the revenue authorities effected name transfer in the pattas pertaining to the disputed lands.

7. It is well settled law that pending the lis, the transfer of patta effected in favour of either of the parties would be subject to the outcome of the civil suit. As such, the revenue authorities would be more cautious in entertaining the issues regarding the patta transfer and if so, they can very well relegate the parties to adjudicate the issue before the civil Court in the pending suit.

8. In view of the above, this Court is of the opinion that the title dispute entertained by the revenue authorities either by granting patta in favour of the respondents 4 to 9 or cancelling the same in respect of the petitioner is bad in law. Hence, the order dated 28.03.2017 passed by the first respondent is liable to be set aside and is accordingly set aside, leaving it open to the first respondent to pass appropriate orders, on merits and in accordance with law and also based on the outcome of the civil proceedings between the parties.

9. This writ petition stands allowed to the extent as indicated above. No costs. Consequently, the connected miscellaneous petition is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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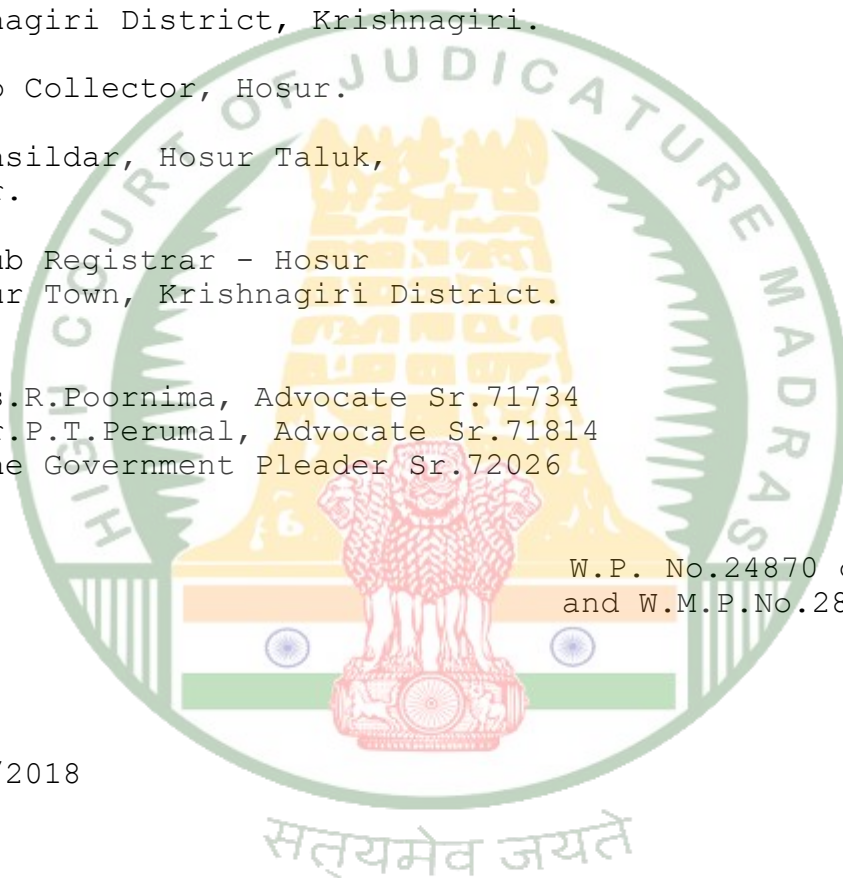
To

1. The Sub Court,
Hosur.
2. The District Munsif Court,
Hosur.
3. The District Revenue Officer (DRO)
Krishnagiri District, Krishnagiri.
4. The Sub Collector, Hosur.
5. The Tahsildar, Hosur Taluk,
Hosur.
6. The Sub Registrar - Hosur
Hosur Town, Krishnagiri District.

+1cc to Ms.R.Poornima, Advocate Sr.71734
+1cc to Mr.P.T.Perumal, Advocate Sr.71814
+1cc to the Government Pleader Sr.72026

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