

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2018

CORAM:

THE HON'BLE MR.JUSTICE M. DHANDAPANI

W.P.No.18311 of 2006

Satyanarayanan

... Petitioner

/Vs/

- 1.The District Revenue Officer, Krishnagiri.
- 2.The Sub Collector, Hosur.
- 3.The Tahsildar, Hosur.
- 4.Mr. Thilagan.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records on the file of the first respondent in proceedings Na.Ka.37975-2005-J2 and dated 02.05.2006 and to quash the same as illegal.

For Petitioner : Mr.V. Lakshmi Narayanan

For Respondents1-3 : Mr.R. Govindasamy
Special Government Pleader

For Respondent-4 : Mr.J. Kamaraj

O R D E R

The petitioner has filed this writ petition challenging the impugned order passed by the first respondent/DRO in his proceedings, dated 02.05.2006, wherein, the District Revenue Officer cancelled the patta granted by the Tahsildar and the same was confirmed by the District Revenue Officer.

2. The petitioner entered a sale agreement with one Muthiappa for purchase of the property in Survey Nos.6/1A/1A/1A/4, along with buildings bearing Door Nos.51, 52, 53 and 53A. Thereafter, the petitioner purchased the property by way of a registered sale deed, dated 29.08.2003 vide Document No.3584 of 2003.

3. The fourth respondent is in occupation of the property for the rent of Rs.1,500/- prior to purchase of the said property. After the purchase of the said property, the

petitioner filed R.C.O.P.No.1 of 2004 on the file of the Rent Controller cum District Munsiff Court, Hosur, dated 16.03.2005, for evicting the fourth respondent, and the Court had passed eviction order against the fourth respondent.

4. In order to wreck vengeance, the fourth respondent entered a sale agreement with the vendor of the petitioner for the very same property on 24.03.2000 and he has filed a suit in O.S. No.129 of 2003 for specific performance before the Sub Court, Hosur, and the suit was dismissed for default on 24.03.2005. However, the fourth respondent has not preferred any appeal as against the dismissal order.

5. By virtue of the sale agreement, the Tahsildar granted patta in favour of the fourth respondent. Aggrieved by the same, the petitioner filed appeal before the Sub-Collector, Hosur. After enquiry, the Sub-Collector set aside the order of the Tahsildar. Aggrieved by the same, the fourth respondent filed appeal before the District Revenue Officer. The District Revenue Officer after due enquiry has held that the Sub-Collector has passed orders without considering the pendency of the suit in O.S.No.129 of 2003. In these types of issues it would be appropriate to grant transfer of patta only based on the orders of the Court and accordingly, set aside the order of the Sub-Collector. Hence, the present writ petition has been filed.

6. Mr. Lakshmi Narayanan, the learned counsel appearing for the petitioner would submit that the first respondent/DRO passed the impugned order dated 02.05.2006 only on the ground that the set aside application is pending before the Lower Court. Accordingly, set aside the order passed by the Tahsildar and the Sub Collector. However, the suit was dismissed and the same was confirmed and there is no legal impediment to decide the issue in this matter.

7. Considering the request made by the learned counsel appearing for the petitioner and learned Special Government Pleader for the respondents 1 to 3, the order of the first respondent/DRO is set aside and the matter is remanded back to the District Revenue Officer for fresh consideration, after hearing the parties including the petitioner as well as the fourth respondent.

8. The said exercise shall be completed within a period of three months from the date of receipt of a copy of this order and liberty is granted to the petitioner to produce all necessary documents before the first respondent/DRO.

9. Accordingly, the above Writ Petition is disposed of with the above terms. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

msm

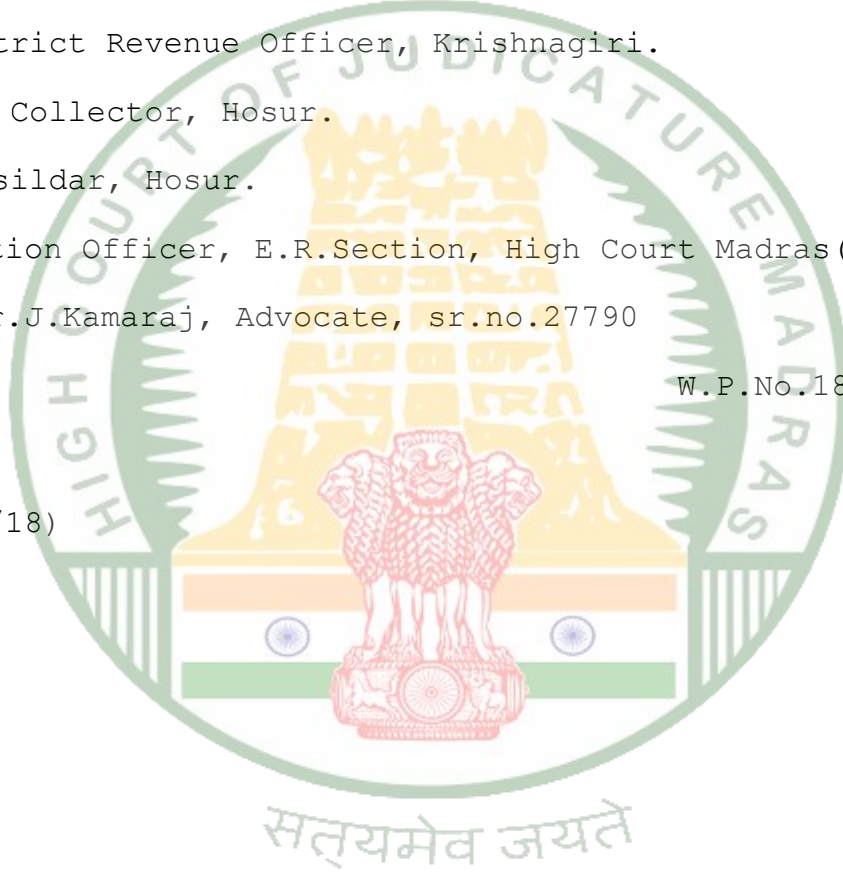
To:

- 1.The District Revenue Officer, Krishnagiri.
 - 2.The Sub Collector, Hosur.
 - 3.The Tahsildar, Hosur.
 - 4.The Section Officer, E.R.Section, High Court Madras(2 copies)
- +1cc to Mr.J.Kamaraj, Advocate, sr.no.27790

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PA(CO)

RRK(29/05/18)



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