

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :18.11.2019

Coram:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition Nos.17387/2019 & 16691 of 2018

C.Palani

.. Petitioner
in both WPS

/versus/

1.The District Collector,
Krishnagiri District,
Krishnagiri.

2.The Revenue Divisional Officer,
Krishnagiri District,
Krishnagiri.

3.The Tahsildhar,
Krishnagiri Taluk,
Krishnagiri District.

4.Krishnan

5.Thirupathi

6.Dharman

7.Krishnan

8.Govindan

9.Palani

10.Vedi

.. Respondents
in W.P.No.17387/2019

1.The District Collector,
Krishnagiri District,
Krishnagiri.

2.The Revenue Divisional Officer,
Krishnagiri District,
Krishnagiri.

3.The Tahsildhar,
Krishnagiri Taluk,
Krishnagiri District.

4.Krishnan

5.Thirupathi

.. Respondents in
W.P.No.16691 of 2018

Prayer in W.P.No.17387/2019: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 2 and 3 to take appropriate action for cancellation of patta issued in favour of the respondents 6 to 10 in respect of Survey No.124 situate at Beemanur Village, Karadihalli Tharappu, Krishnagiri Taluk and District based on petitioner's representation dated 06.03.2018 in respect of 24 cents out of 54 cents forthwith.

Prayer in W.P.No.16691/2018: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 3rd respondent to take appropriate action for cancellation of patta issued in favour of the respondents 4 and 5 in respect of Survey Nos.123 and 124 situate at Beemanur Village, Karadihalli Tharappu, Krishnagiri Taluk and District based on petitioner's representation dated 06.03.2018 in respect of 24 cents out of 54 cents forthwith.

For Petitioner :Mr.C.Prabakaran
(W.P.No.17387/2019)

For Petitioner :Mr.V.Kasinatha Bharathi
(W.P.No.16691/2018)

For Respondents :Mr.J.Purushothaman, GA
(W.P.No.17387/2019) for R1 to R3
Mr.VLakshmi Narayanan,
for R6,8,9,10
Mr.D.Saravana Kumar
for R4
No appearance for R5 & R7

For Respondents :Mr.J.Purushothaman, GA
(W.P.No.16691/2018) for R1 to R3
Mr.D.Saravana Kumar
for R4
No Appearance for R5

COMMON ORDER

Writ Petitions have been filed seeking Mandamus directing respondents 2 and 3 to take appropriate action for cancellation of patta issued in favour of the respondents 6 to 10 in respect of Survey No.124 and respondents 4 and 5 in respect of Survey Nos.123 and 124 respectively, situated at Beemanur Village, Karadihalli Tharappu, Krishnagiri Taluk and District, based on petitioner's representation dated 06.03.2018 in respect of 24 cents, out of 54 cents forthwith.

2.The case of the petitioner herein is that the petitioner's father one Chinnasamy executed a sale deed on 23.09.1982 in favour of one Gopal in respect of the land in S.Nos.123 and 124 to an extent of 30 cents out of 54 cents at Beemanur Village, Karadihalli Tharappu, Krishnagiri Taluk and District and his father retained the remaining land of 24 cents, which was used by the villagers for celebrating the festivals. Alleging that the sons and other legalheirs of Gopal have encroached upon the remaining 24 cents of land retained by the father of the petitioner and also fraudulently got patta over that land, the petitioner herein has given a representation to the third respondent on 05.03.2018 and 06.03.2019 seeking cancellation of patta and issue correct patta in respect of the land owned by the petitioner.

3.From the counter filed by respondents 3 and 8, this Court finds that regarding the title over the disputed 24 cents of land a suit in O.S.No.124/2015 between the parties is pending.

4.In the counter of the 8th respondent, the details of the suit pending has been given and the parties and nature of the suit have also been narrated as below:

"6. ... "my family members came to know that the 4th and 5th respondents had wrongly included our patta land in S.No.124/1 at the time of partition of their family properties between themselves. Hence, we had filed a civil suit in O.S.No.208/2018 before the Principal Subordinate Judge at Krishnagiri to declare the partition deed between the 4th and 5th respondent dated 26/09.2012 in respect of the land in S.No.124/1E2 as null and void, and the same is pending.

7.I further humbly submit that as far as the averment stated in para 5 of the affidavit, I denied that the civil suit in

O.S.No.188/2015 was filed by Marimuthu and others in respect of the land in Survey No.125 and it is pertinent to note that myself and my other family members are not impleaded as a parties in that suit. Hence, we are not aware of the details of the said suit.

9.It is further humbly submits that the civil suit in O.S.No.124/2015 was filed by me against this writ petitioner and against other private parties in respect of my land who were trying to lay road over my patta land, and the above said suit in O.S.No.124/2015 is pending before the District Munsif Court, Krishnagiri."

In view of the civil suits pending regarding the title, it is imperative on the part of the third respondent to await for the out come of the civil suits.

5. In such circumstances, the request made by the petitioner cannot be entertained. Hence, these writ petitions are disposed of. The third respondent is directed to wait till the finality in the suits are arrived and then dispose the representation of the petitioner. No costs.

-s/d-

Assistant Registrar (CCC)

True Copy

Sub-Assistant Registrar

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To:

1.The District Collector,
Krishnagiri District,
Krishnagiri.

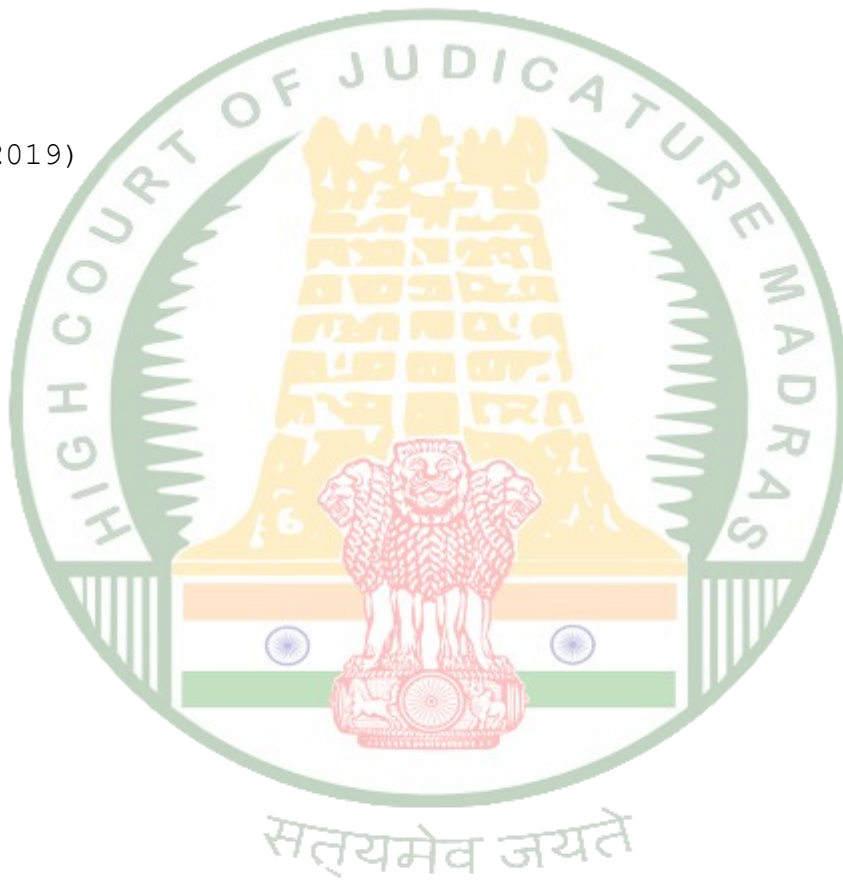
2.The Revenue Divisional Officer,
Krishnagiri District,
Krishnagiri.

3.The Tahsildhar,
Krishnagiri Taluk,
Krishnagiri District.

+1 CC to Govt. Pleader sr 96030.
+1 CC to Mr.C.Prabakaran, Advocate sr 96334
+1 CC to Mr.V.Raghavachari, Advocate sr 95450.
+1 CC to Mr.D.Saravana Kumar, Advocate sr 95451.

W.P.Nos.17387 of 2019
and 16691 of 2018

NRJK (CO)
SP (17/12/2019)



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