

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:13.10.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.760 of 2015 and
M.P.No.1 of 2015

1. Nyathappa
2. P.M. Muniappa

... Petitioners

v.

1. The Tahsildar,
Hosur, Krishnagiri District.
2. The District Revenue Officer,
Krishnagiri,
Krishnagiri district.
3. The District Collector,
Krishnagiri
4. Muniyamma
5. Muniappa
6. Chowdamma

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuing a Writ of Mandamus directing the 2nd respondent - The District Revenue Officer, Krishnagiri to include the name of the petitioner herein in the patta for Survey No.5/7, Karibasavanapuram Village, Hosur Taluk, Krishnagiri District.

For Petitioners : Mr. M.V. Krishnan

For Respondents : Ms. A. Madhumathi,
Special Government Pleader - R1 to R3
Mr. K. Chandrasekaran - R4 to R6

O R D E R

The petitioners have filed the above Writ Petition to issue a Writ of Mandamus directing the 2nd respondent - The District Revenue Officer, Krishnagiri, to include the name of the

petitioners in the patta in respect of Survey No.5/7, Karibasavanapuram Village, Hosur Taluk, Krishnagiri District.

2. The 2nd respondent passed an order dated 06.03.2013 by cancelling the patta issued in favour of Salamma and 10 others and gave a direction to issue patta in respect of the respondents 4 to 6.

3. Now it is brought to the notice of this Court that the respondents 4 to 6 have filed a Civil Suit in O.S.No. 201 of 2016 on the file of the Sub Court, Hosur and the said suit is pending. Further, the learned counsel appearing for the respondents 4 to 6 submitted that the suit is posted for trial.

4. Ms. A. Madhumathi, learned Special Government Pleader appearing for the respondents 1 to 3 submitted that the respondents 4 to 6 have filed the suit in O.S.No.201 of 2016 for declaration and permanent injunction.

5. It is also brought to the notice of this court that one Salamma had also filed a Civil Suit against the petitioners and the respondents 4 to 6 in O.S.No.71 of 2010 on the file of the District Munsif Court, Hosur, for declaration and permanent injunction and the same is also pending. However, the said Salamma is not a party in this Writ Petition.

6. It is settled position that Revenue Authorities are binding to the decree passed in the Civil Court.

7. In these circumstances, I am of the view that the Trial Court can be directed to dispose of the suit within a time frame and based on the decree to be passed by the Trial Court, the petitioners may work out their remedy before the Revenue Authorities. Accordingly, I direct the Sub Judge, Hosur to dispose of the suit in O.S.No.201 of 2016, on merits and in accordance with law, within a period of six months from the date of receipt of a copy of this order.

With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Rj

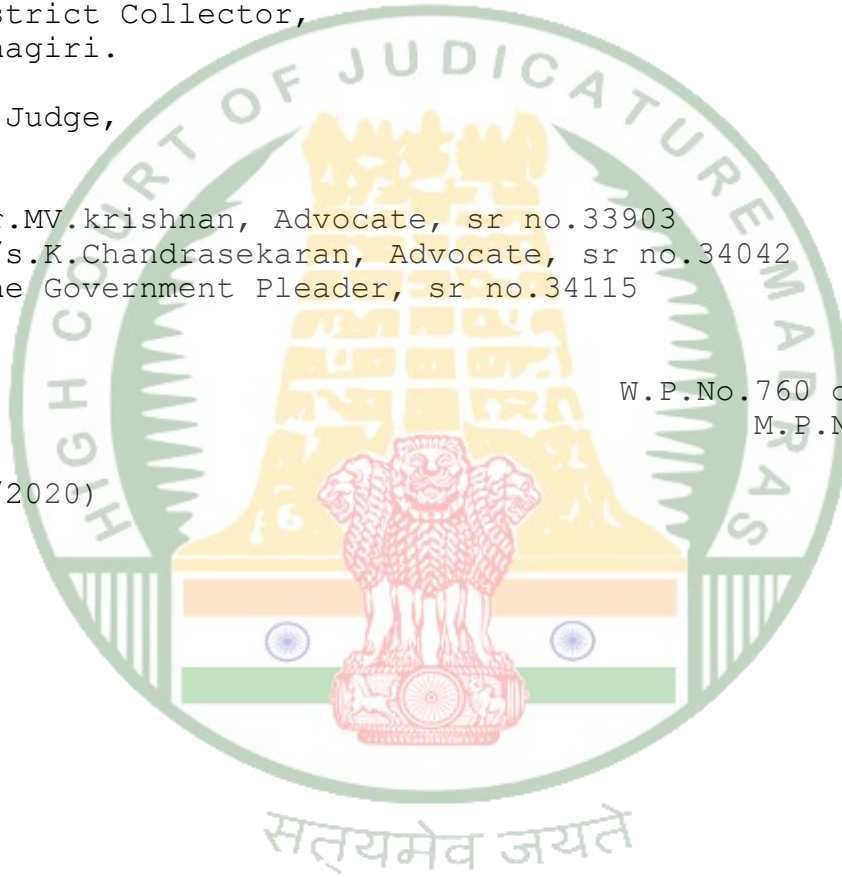
To

1. The Tahsildar,
Hosur, Krishnagiri District.
2. The District Revenue Officer,
Krishnagiri,
Krishnagiri district.
3. The District Collector,
Krishnagiri.
4. The Sub Judge,
Hosur.

+1cc to Mr.MV.krishnan, Advocate, sr no.33903
+1cc to M/s.K.Chandrasekaran, Advocate, sr no.34042
+1cc to The Government Pleader, sr no.34115

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M.P.No.1 of 2015

GP (CO)
RMP (10/11/2020)



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