

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.09.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

WP.No.11727/2020 & WMP.No.14415/2020

S.Gopi

.. Petitioner

Versus

1.The District Revenue Officer
Krishnagiri, Krishnagiri District.

2.The Revenue Divisional Officer
Krishnagiri, Krishnagiri District.

3.The Village Administrative Officer
Krishnagiri, Krishnagiri District.

4.Gowri @ Gowrammal

5.Bharathi

6.Lokeswari

.. Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records relating to the order vide Pa.Mu.13063/2018/jo1 dated 22.07.2020 passed by the 1st respondent and quash the same.

For Petitioner : Mr.S.Vinoth Kumar

For RR 1 to 3 : Mr.E.Balamurugan

Special Government Pleader

ORDER

(1) This writ petition has been filed challenging the impugned Notice passed by the 1st respondent dated 22.07.2020 wherein the 1st respondent has set aside the order passed by the 2nd respondent dated 22.07.2020 and has directed the revenue records to be restored to its original position and has further directed the party to agitate their disputes before the Civil Court where the proceedings are pending.

(2) It is seen from records that the subject property has been dealt with both by the petitioner as well as the 4th respondent through an unregistered Sale Deed and in the earlier

proceedings in OS.No.7 of 2002, there was a civil dispute between the petitioner and the vendor of respondents 4 to 6. It is also further seen from the records that there is a suit pending in OS.No.199 of 2017 wherein one Selvam claiming to be the lessee in the subject property, has filed a suit against respondents 4 to 6 and also the petitioner seeking for the relief of permanent injunction not to evict him from the subject property.

(3) Apart from the above suit, there is yet another suit that has been filed by respondents 4 to 6 against the petitioner and others in OS.No.19 of 2018 seeking for the relief of declaration of title, permanent injunction and also to declare the Sale Deed executed in favour of the petitioner as null and void. In the said suit, the petitioner has also filed a written statement on 11.06.2018. This suit is pending on the file of the Principal District Court, Krishnagiri.

(4) There were several disputes among the parties and it is seen that certain police complaints are also filed and FIRs have also been registered and the investigation is pending. While all the above disputes were pending before the competent Civil Court, the petitioner has submitted a representation before the 2nd respondent seeking for cancellation of the sub-division of property done in the year 2004 by the Tahsildar, Krishnagiri. The 2nd respondent, by order dated 04.05.2018, considered the representation made by the petitioner and proceeded to cancel the proceedings of the Tahsildar, Krishnagiri, dated 19.10.2004, wherein the property was sub-divided. Aggrieved by the order passed by the 2nd respondent, respondents 4 to 6 filed an appeal before the 1st respondent and the 1st respondent has set aside the order of the 2nd respondent and has directed the revenue records to be restored to its original position and has further directed the parties to resolve their dispute before the Civil Forum and thereafter, to approach the revenue authority. Aggrieved by the same, the present writ petition has been filed before this Court.

(5) The learned counsel for the petitioner submitted that the 1st respondent has passed an order without affording opportunity to the petitioner and therefore, the order of the 1st respondent is violative of principles of natural justice. The learned counsel further submitted that the petitioner has become the owner of the property in the year 2017 and he had approached the 2nd respondent for grant of patta and also to cancel the earlier sub-division done by the Tahsildar, Krishnagiri. The 2nd respondent, on considering the materials placed before him, has cancelled the sub-division made by the Tahsildar, by proceedings dated 19.10.2004. The learned counsel submitted that respondents 4 to 6 are claiming right over the property based on an unregistered Sale Deed and patta has also been issued to them on the basis of certain unregistered documents and

therefore, the 2nd respondent was right in interfering with the proceedings of the Tahsildar. The learned counsel submitted that the 1st respondent ought not to have interfered with the orders passed by the 2nd respondent merely on the basis of the civil suits pending before the concerned Courts.

- (6) Per contra, Mr.E.Balamurugan, learned Special Government Pleader accepting notice on behalf of respondents 1 to 3 submitted that the 2nd respondent, while passing the order dated 04.05.2018, did not take into consideration the fact that there was a substantive suit pending on the file of the Principal District Judge, Krishnagiri, in OS.No.19 of 2018, wherein even the Sale Deed executed in favour of the petitioner, was put to challenge. The learned counsel submitted that the 2nd respondent ought to have maintained the revenue records in its original position and should have waited for the result of the proceedings before the competent Civil Court. Therefore, the impugned order passed by the 1st respondent does not require interference and the impugned order does not affect the right of both the petitioner as well as respondents 4 to 6 and they have only been asked to get their disputes resolved before the Civil Court and thereafter, approach the revenue authorities.
- (7) This Court has considered the submissions made on either side and the materials placed before it.
- (8) The petitioner became the owner of the property by virtue of a registered Sale Deed dated 19.12.2017. Immediately after the Sale Deed was executed in favour of the petitioner, respondents 4 to 6 have approached the Principal District Court, Krishnagiri, and filed a substantive suit in OS.No.19 of 2018 for declaration of title and for other reliefs including the relief of declaration, to declare the Sale Deed executed in favour of the petitioner on 19.12.2017 as null and void and the said suit is pending and the petitioner has also filed a written statement. While so, the petitioner seems to have made a representation to the 2nd respondent seeking to cancel the earlier proceedings of the Tahsildar, Krishnagiri dated 19.10.2004 wherein the property was sub-divided and patta was issued in Patta No.1205.
- (9) The 2nd respondent, without taking into consideration the pending suit in OS.No.19 of 2018, has proceeded to pass an order, thereby the earlier proceedings of the Tahsildar, Krishnagiri, dated 19.10.2004, has been set aside.
- (10) On appeal filed against the above order, the 1st respondent has set aside the order passed by the 2nd respondent mainly on the ground that the substantive suit is pending before the Principal District Court, Krishnagiri and there are unresolved civil disputes between the parties and therefore, the revenue authority must await for the decision of the competent Civil Court.

- (11) In the considered view of this Court, the decision taken by the 1st respondent is perfectly in line with the law settled by this Court in a catena of decisions. This Court has repeatedly held that whenever there is a title dispute between the parties and the same is also pending before the competent Court, the revenue authorities should not go into the said issue and they must await for the decision of the Civil Court. Useful reference can be made to the judgments in [1] Vishwas Footwear Company Limited, Guindy Industrial Estate, Chennai rep. by its Director Mr. V. Ravi V. The District Collector, Kancheepuram and 4 Others reported in 2011 [2] CWC 242 ; [2] C. Sabesan Chettiyar [deceased], C. T. Saraswathi Aachi and 3 others Vs. The District Collector, Coimbatore District and 3 Others reported in 2011 [2] CWC 337; and [3] Amsaveni Vs. The District Revenue Officer, Madurai and 3 others reported in 2014 [3] CTC 785.
- (12) The order of the 1st respondent was perfectly in line with the judgments of this Court and the 1st respondent was also perfectly right in directing the parties to resolve their disputes before the Civil Court and thereafter, approach the revenue authorities. The 1st respondent has only restored the original position as it prevailed pursuant to the proceedings of the Tahsildar, Krishnagiri dated 19.10.2004. This status can be changed only after the parties resolve their title dispute before the Civil Court.
- (13) In view of the above, this Court does not find any ground to interfere with the impugned proceedings of the 1st respondent dated 22.07.2020. It is made clear that the findings given by the 1st respondent or any findings given by this Court in the present writ petition, will not have any bearing in the pending suit in OS.No.19 of 2018, on the file of the Principal District Court, Krishnagiri. The learned Principal District Judge, Krishnagiri, shall independently consider the claim made by the parties purely based on the oral and documentary evidence. After the issue is resolved by the Civil Court, it is always open to the parties to approach the revenue authorities and the revenue authorities shall make appropriate changes in the revenue records in accordance with the judgment of the competent Civil Court.
- (14) In the result, the writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1. The Principal District Judge,
Krishnagiri.

2.The District Revenue Officer
Krishnagiri, Krishnagiri District.

3.The Revenue Divisional Officer
Krishnagiri, Krishnagiri District.

4.The Village Administrative Officer
Krishnagiri, Krishnagiri District.

+1 cc to The Government Pleader, Sr.No. 29283

WP.No.11727/2020

CA (CO)
RMP (12/10/2020)



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