

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.09.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

WP.No.11793/2020 & WMP.Nos.14819 & 14506/2020

Chennappa

.. Petitioner

Versus

1. The District Revenue Officer
Krishnagiri District.
2. The Revenue Divisional Officer
Hosur, Krishnagiri District.
3. The Thasildar
Soolagiri, Krishnagiri District.
4. Sanmugam

.. Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records in Pa.Mu.No.22315/2019/J2 dated 13.12.2019 on the file of the 1st respondent and quash the same and further direct the respondents 1 to 3 to restore the petitioner's name in Patta No.143 for land in S.No.80, Batharapalli Village.

For Petitioner : Mr.S.C.Vishwanth
For Respondents : Mr.Aruldoss, GA

सत्यमेव जयते
ORDER

- (1) This writ petition has been filed challenging the impugned order passed by the 1st respondent dated 13.12.2019 and for a consequential direction to restore the patta in the name of the petitioner.
- (2) It is seen from records that there is a civil dispute pending between the petitioner and the 4th respondent and others. The petitioner had filed a suit for declaration of title and permanent injunction in OS.No.330 of 2006 before the District Munsif Court at Hosur. This suit was decreed vide judgment and decree dated 07.10.2016. As against this decree, the 4th respondent along with others, have filed an appeal before the Sub Court, Hosur and the same is pending in AS.No.4 of 2017.

- (3) In the mean time, the petitioner gave a representation to the 3rd respondent to change the patta in his name based on the decree passed by the trial Court and the patta was also transferred vide order dated 30.01.2017.
- (4) The 4th respondent filed an appeal before the 2nd respondent on the ground that the 3rd respondent ought not to have transferred the patta in favour of the petitioner when the appeal is pending. The 2nd respondent, by proceedings dated 21.06.2019, allowed the appeal and restored the patta to its original position and directed the parties to resolve the civil dispute and thereafter, approach for mutation in the Revenue records.
- (5) The petitioner, aggrieved by the said order, filed an appeal before the 1st respondent and the 1st respondent, vide order dated 13.12.2019, rejected the appeal and confirmed the order passed by the 2nd respondent. Aggrieved by the same, the present writ petition has been filed before this Court.
- (6) The learned counsel for the petitioner submitted that the Trial Court has decreed the suit in favour of the petitioner and the operation of the decree has not been stayed in the appeal and therefore, the patta was transferred in favour of the petitioner. The learned counsel, therefore submitted that respondents 1 and 2 ought not to have interfered and restored the patta in the name of one Parvathy Ammal who is dead and gone long back.
- (7) Per contra, Mr.Arul doss, learned Government Advocate accepting notice on behalf of respondents 1 to 3 submitted that the civil proceedings have not come to an end and it is pending by way of an appeal in AS.No.4 of 2017 and therefore, the change in the Revenue records and issuance of patta can be done after the civil proceedings come to an end and till then, the original position must be maintained. The learned counsel, therefore submitted that there are no grounds to interfere with the orders passed by respondents 1 and 2.
- (8) This Court has carefully considered the submissions made on either side and the materials placed before it.
- (9) The petitioner has approached the 3rd respondent seeking for issuance of patta based on the decree passed by the Trial Court in OS.No.330 of 2006. By the time, the patta was transferred in the name of the petitioner, the appeal has been filed and it was pending in AS.No.4 of 2017. It must be borne in mind that the appeal is only a continuation of the original proceedings and the status of the parties will be determined only on the disposal of the appeal. Therefore, the Revenue records ought not to have been changed in the name of the petitioner till the civil proceedings reached finality.
- (10) Respondents 1 and 2 were perfectly right in restoring the Revenue records to its original position pending civil

proceedings. No change in the Revenue record can be made till the dispute between the parties is finally resolved by the competent Civil Court. Changing the patta in the name of the petitioner during the pendency of the appeal will cause serious prejudice to the 4th respondent and others who are already contesting the appeal and the same is pending in AS.No.4 of 2017.

(11) This Court does not find any ground to interfere with the orders passed by respondents 1 and 2 and the petitioner has to necessarily await the dispute to be finally resolved by the Civil Court before effecting any changes in the Revenue records. Till then, the Revenue records will have to be maintained in its original position.

(12) In the result, the writ petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Revenue Officer
Krishnagiri District.
2. The Revenue Divisional Officer
Hosur, Krishnagiri District.
3. The Thasildar
Soolagiri, Krishnagiri District.

+1 cc to the Government Pleader, Advocate Sr.No.29243

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