IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2021

CORAM

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

W.P. No.10049 of 2021
and
WMP.Nos.10682 & 10688 of 2021

Rajanna
S/o. Ellareddy … Petitioner

Vs

1. The District Revenue Officer,
Krishnagiri District,
Krishnagiri.

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

3. The Tahsildar,
Hosur Taluk,
Hosur,
Krishnagiri District.

4. Logesh babu

5. Venkadasamy Reddy,

6. Nanja Reddy ... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relating to the proceedings in Pa.Mu.No.27958/2020/J2, dated 11.02.2021 on the file of the 1st respondent reversing the proceedings in Pa.Mu.1674/2020/B3 dated 25.09.2020 on the file of the 2nd respondent and quash the same.



For petitioner ... Mr. S. Doraisamy
For respondents ... Mr. Annai Ezhil,
Government Advocate
for R1 to R3.

ORDER

This writ petition has been filed to quash the order passed by the first respondent/District Revenue Officer reversing the order passed by the second respondent/Revenue Divisional officer.

2. The brief facts leading to file the writ petition reads as follows:

Earlier, a separate patta has been issued in the name of the petitioner in respect of S.No.151/3A at Mookondapalli village, Hosur Taluk in Patta No.4010. Subsequently, pursuant to the order passed by the 3rd respondent/Tahsildar, joint patta has been issued in the name of the petitioner as well as the respondents 4 to 6. Thereafter, the petitioner said to have filed an application before the 2nd respondent/Revenue Divisional Officer to delete the name of the respondents 4 to 6 . In the meantime, the petitioner filed a writ petition in W.P.No.10957 of 2014 and this Court, by an order dated 04.20.2015, disposed writ petition on the ground that, a civil suit in O.S.No.411 of 2007 filed the respondents 4 to 6 for declaration of title is pending between the parties before the District Munsif Court, Hosur and till the title of the property is decided by the civil Court, the Revenue Officials shall not mutate the records. The relevant portion of the said order reads as follows:-

> "In such circumstances, the Revenue Officials shall await the decision of the Civil Court and should not effect further mutation and as regard entries in the revenue record, as on record, shall continue to be maintained. it is left open to the petitioner and the respondents 4 to 6 to agitate their title over the property in the pending in O.S.No.411 of 2007. It is made clear they shall not rely upon patta No.4010, since the allegation is that the patta has been wrongly granted in favour of the respondents 4 to 6 whereas they would allege that patta stood in their name has erroneously changed in the name of hte writ petitioner. Hence, the parties shall individually establish their title by producing oral and documentary evidence before the Civil Court. with the above observation, this writ petition is disposed of. No costs.

Thereafter, on the application filed by the petitioner, the second respondent/Revenue Divisional Officer, conducted enquiry to delete the name of the respondents 4 to 6 and issue a patta in the name of the petitioner. Challenging the said order, the respondents 4 to 6 filed a revision before the first respondent and the first respondent reversed the order passed by the 2nd respondent on the ground that, as per the order passed by this Court, till the civil suit is disposed of, there should not be any mutation in the revenue records and the restore the order passed by the second respondent and issue patta in the name of the petitioner as well as the respondents 4 to 6. Now, challenging the same, the present writ petition has been filed.

3. The learned counsel for the petitioner would submit that originally patta was stand in the name of the petitioner and a civil suit is also pending between the parties in respect of title of the property, and the authorities ought not to have include the name of the respondents 4 to 6 in the patta. In the said circumstances, the Revenue Divisional Officer passed an order deleting the name of the respondents 4 to 6 and directed to issue patta in the name of the petitioner. The first respondent without considering the factual possession reversed the order passed by the second respondent.

4. I have considered the submissions and perused the materials available on records carefully.

5. From the perusal of the records, it could be seen that, in the earlier round of litigation, this Court has specifically directed the Revenue Officials to await the decision of Civil Court and should not effect any mutation in the revenue records. Admittedly, on the date of order passed by this Court, patta stands in the name of the petitioner as well as the respondents 4 to 6, and as per the direction issued by this Court, that entry should be maintained till the disposal of the civil suit. Without considering the same, the 2nd respondent Revenue Divisional Offficer has issued a patta deleting the name of the respondents 4 to 6 and that order was rightly rectified by the first respondent holding that, the order passed by the RDO is against the order passed by this Court. I find no illegality in the order passed by the first respondent and there is no merit in the writ petition.

6. Accordingly, the Writ Petition is dismissed. However, considering the fact that civil suit is pending from the year 2004 the District Munsif, Hosur is directed to dispose the suit in O.S.No.411 of 2007 within a period of three months from the date of receipt of a copy of this order.



Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

mrp

To

1.The District Munsif,
Hosur.

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

3. The Revenue Divisional Officer,
Hosur,
Krishnagiri District.

4. The Tahsildar,
Hosur Taluk,
Hosur,
Krishnagiri District.

+1cc to Mr.S.Doraisamy, Advocate, S.R.No.24560
+1cc to the Government Pleader, S.R.No. 25341

W.P. No.10049 of 2021

RLD(CO)
GN(08/07/2021)