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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2021

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MRS.JUSTICE S.KANNAMMAL

W.A.No.2060 of 2021

V.Narayanan

.. Appellant/Petitioner

Vs.

1. The District Collector,
Krishnagiri District, Krishnagiri.
2. The Revenue Divisional Officer,
Hosur, Krishnagiri District.
3. The Tahsildar,
Hosur, Krishnagiri District.
4. The Zonal Deputy Tahsildar,
Hosur Taluk, Krishnagiri District.
5. V.Muniraj

.. Respondents/Respondents

Appeal filed under Clause 15 of Letters Patent against the order dated 17.04.2021 made in W.P.No.6259 of 2021.

Prayer in W.P.No.6259 of 2021:

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, Calling for the records relating to the impugned Proceedings dated 29/12/2020 passed in Application No.2020/0103/31/158931 on the file of the 4th respondent herein, quash the same and consequently direct the Respondents 3 and 4 herein to implement the orders passed by the 2nd Respondent in in Pa.Mu.2732/2018/B3 dated 27/08/2018 and as confirmed by the 1st respondent in his proceedings in Pa.Mu.16424/2019/J2 dated 05/11/2020.



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For Appellant : Mr.K.Govi Ganesan
For Respondents : Mr.D.Ravichander,
Government Counsel for R1 to R4

JUDGMENT
(Delivered by M.M.SUNDRESH, J.)

The appellant is the writ petitioner. The writ petition has been filed by the appellant seeking to challenge the order of the fourth respondent which states that the application of the appellant for change of patta is rejected on 29.12.2020. Therefore, the appellant filed a writ petition seeking to set aside the said order with consequential prayer directing respondents 3 and 4 to implement the order passed by the second respondent dated 27.08.2018 as confirmed by the first respondent dated 05.11.2020. The said writ petition was dismissed by the learned single Judge.

2. Learned counsel appearing for the appellant submitted that the fourth respondent is duty bound to implement the aforesaid orders passed by the second respondent as confirmed by the first respondent. Therefore, the order of the learned Single Judge requires interference.

3. We do not find any error in the order passed by the learned Single Judge warranting interference. Admittedly, the civil suit initiated by the appellant is pending consideration in O.S.No.303 of 2018. The aforesaid suit pending on the file of the Sub Court, Hosur is for declaration of title and for the consequential prayer for injunction. The said declaration has been sought for on the premise that the partition deed and the subsequent sale deed are to be declared as null and void. The appellant along with others filed the aforesaid suit, which is still pending consideration. In the said suit, the fifth respondent is also a party. It is quite settled that the power of the revenue authority is subject to the decision in the civil suit.

4. In such view of the matter, the learned Single Judge has rightly declined to exercise his jurisdiction by invoking Article 226 of the Constitution of India.



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5. Accordingly, the writ appeal stands dismissed. No costs.

Sd/-

Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1. The District Collector,
Krishnagiri District, Krishnagiri.
2. The Revenue Divisional Officer,
Hosur, Krishnagiri District.
3. The Tahsildar,
Hosur, Krishnagiri District.
4. The Zonal Deputy Tahsildar,
Hosur Taluk, Krishnagiri District.

+1cc to M/s.K.Govi Ganesan, Advocate, S.R.No.42122

+1cc to the Government Pleader, S.R.No.42639

W.A.No.2060 of 2021

SRA (CO)
SU (17/09/2021)