



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.13070 of 2014

and

M.P.No.2 of 2014

C.Sallappa

...Petitioner

Vs.

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

2. The Thasildar,  
Hosur.

3. The District Collector,  
Krishnagiri

4. Muniamma

5. Munirasu

[R-5 amended as Munirasu as per order dated 02.11.2017  
in M.P.No.1 of 2015 in W.P.No.13070 of 2014]

6. Chowdamma

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records in Na.Ka.1344/2009 (J2) dated 06.03.2013 on the file of the first respondent and quash the same as illegal, incompetent and without jurisdiction and further direct the respondents 1 and 2 to add petitioner's name as joint pattadar in patta No.115 of S.No.5/7, Karibasavanapuram Village, Hosur Taluk, Krishnagiri District.

(Prayer amended as per order dated 02/11/2017 by SMSJ in MP 2/15 in WP.No.13070/14)

For Petitioner : Mr.C.Vishwanath

For Respondents : Mr.C.Harsha Raj  
Government Advocate (for R1 to R3)

: Mr.K.Chandrasekaran (for R4 to R6)



## O R D E R

This petition has been filed seeking to quash the order in Na.Ka.1344/2009 (J2) dated 06.03.2013 on the file of the first respondent and further direct the respondents 1 and 2 to add the petitioner's name as joint pattadar in patta No.115 of S.No.5/7, Karibasavanapuram Village, Hosur Taluk, Krishnagiri District.

2. The father of the petitioner had in continuous possession of the subject property comprised in S.No.5/7 and other adjacent lands admeasuring to an extend of 8.16 cents in Karibasavanapuram Village, Hosur Taluk, Krishnagiri District. After his demise, the petitioner and his brothers had sold a portion of the property and they retained the possession of the remaining portion of the properties admeasuring to an extent of 4 acres and 60 cents. However, the patta in respect of the said property was altered and aggrieved by the same, the petitioner preferred an appeal before the District Collector, Krishnagiri, besides filing the Writ Petition in W.P.No.2099 of 2011. This Court directed the District Collector, Krishnagiri to pass appropriate orders within 8 weeks by order dated 01.02.2011. In the meanwhile, the respondents 4 to 6 herein, the legal heirs of the deceased brother Venkatasamy had also claimed title over the property. Therefore, the petitioner filed a suit for declaration and injunction in respect of the disputed property in O.S.No.71 of 2010 on the file of the District Munsif Court, Hosur. While pending the suit, the names of the respondents 4 to 6 were entered as pattadar in patta No.115, wherein, the petitioner is the co-owner of the property and the mutation was also effected to that effect. Therefore, the petitioner filed an appeal before the first respondent and the same was also dismissed.

3. The learned counsel for the respondents 4 to 6 submitted that already the petitioner filed a suit in O.S.No.71 of 2010 and it is pending for trial on the file of the District Munsif Court, Hosur. Therefore, subject to result of the said suit, the petitioner can agitate the issue before the authority concerned.

4. The second respondent filed counter stated that an enquiry made to ascertain the genuinity of the claims made by the respondents 4 to 6 it was found that there was a registered partition between the petitioner and his brothers vide document No.940/1998 registered in the office of the Sub Registrar, Hosur in respect of various properties excluding the lands comprised in Survey No.5/7, Karibasavanapuram Village, Hosur Taluk. In respect of the said property, the petitioner filed a suit in O.S.No.71 of 2010 for declaration and it is pending for adjudication. Therefore, he can very well approach the authority



concerned challenging the patta issued in favour of the respondents 4 to 6 subject to the result of the suit.

5. Considering the above, the petitioner is directed to file a fresh application before the first respondent after disposal of the suit in O.S.No.71 of 2010 on the file of the District Munsif, Hosur. On receipt of the same, the first respondent is directed to pass orders on merits and in accordance with law subject to the result of the suit in O.S.No.71 of 2010 on the file of the District Munsif, Hosur.

6. With the above direction, this Writ Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-  
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The District Revenue Officer,  
Krishnagiri District,  
Collectorate, Krishnagiri.
2. The Thasildar,  
Hosur.
3. The District Collector,  
Krishnagiri.

+1 CC to The Government Pleader, Sr.No. 38017.  
+1 CC to Mr.K.Chandrasekaran, Advocate, Sr.No. 38204.  
+1 CC to Mr.SC.Vishwanth, Advocate, Sr.No. 38274.

W.P.No.13070 of 2014

PL(CO)  
LS(06/09/2021)