IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.07.2021

CORAM

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

W.P. No.27629 of 2019

M/s. Thulip Granites Private Limited,
rep. by its Director Mr. T.V.Narasimha Rao,
having registered office
at No.6-3-609/187,
Anand Nagar Colony,
Khiratabad,
Hyderabad 500 004 … Petitioners

Vs

1. The District Revenue Officer,
District Collector Office,
Krishnagiri 635 115,
Krishnagiri District.

2. The Sub Collector,
Sub Collector Office
Hosur 635 109,
Krishnagiri District.

3. The Tahsildar,
Taluk Office,
Shoolagiri 635 117,
Krishnagiri District.

4. Rajeswari

5. S. Sheik Rasheed

6. H. Aslam Basha

7. Dr. R. Saravanan

8. Dr. U. Shobhana ... Respondents

(R7 & R8 are impleaded vide order
dt 21.06.2021 made in WMP .18909/2020)

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to consider the petitioner's representation dated 22.06.2019 and issue separate patta in the name of the petitioner to an extent of 1.71 1/2 Acres comprised in Survey Nos.358/2B1 (1.31 Acres) and Survey No.358/2B2A (40 1/2 cents) situate at Maruthandapalli Village, Soolagiri Taluk, Krishnagiri District.

For petitioner	...	Mr. R. Bharath Kumar
For respondents	...	Mr.KMD.Muhilan, Government Advocate, for R1 to R3.
	...	No Appearance for R4
	...	Mr. R. Poornima, for R5 & R6
	...	Mr. C. Jagadish for R7 & R8

ORDER

This writ petition has been filed seeking a direction to the respondents 1 to 3 to consider the petitioner's application for grant of patta.

2. According to the petitioner, the petitioner has purchased an extent of 4.36 acres of land in Survey No.358/2 in Marudhanadapalli Village, Hosur Taluk, Krishnagiri District, a subdivision was also made and patta was granted in favour of the petitioner by the Revenue Divisional Officer/2nd respondent herein. However, the above said order was set aside by the District Revenue Officer/1st respondent herein. Challenging the order of cancellation of patta, one Rajini Rao filed a writ petition in W.P.No.27629 of 2020. In the meantime, a civil suit was also filed in O.S.No.133 of 2015 of the file of the District Munsif Court, Hosur, in which, the petitioner's property was not a subject matter and the petitioner was also not a party in the suit. In the said circumstances, the petitioner has made an application before the revenue authorities to issue patta in his favour. But, his application has not been considered so far. Hence, the present writ petition has been filed.

3. The learned counsel for the petitioner would submit that a civil suit in O.S.No.133 of 2015, is pending between some third parties before the District Munsif, Hosur, in which, the petitioner's land is not a subject matter, and the petitioner was not added as a party to the suit. Earlier, a patta was granted in favour of the petitioner by the Revenue Divisional Officer, which was set aside by the District Revenue Officer. Challenging the said order, one E.Rajini Rao, filed a writ petition in W.P.No.20504 of 2015, before this Court and this Court by an order dated 30.08.2018 disposed of the writ petition with the following order:-

> "7. Under these circumstances, all the patta proceedings, including the impugned order passed by the 1st respondent in the proceedings in Pa.Mu.No.21122/2014/J-2 dated 15.06.2015 are kept in abeyance till the conclusion of the civil litigations now pending between the parties in O.S.No.133 of 2015 on the file of the District Munsif Court, Hosur. Only after the conclusion of the civil disputes, the applications for grant of patta or cancellation of patta can be entertained by the revenue officials and the respective parties are at liberty to approach the revenue officials after conclusion of the civil disputes".

4. The learned counsel appearing for the respondents 5 and 6 submitted that though the property purchased by the petitioner was not the subject matter of the suit and he was not a party in the suit proceedings, this Court passed a comprehensive order stating that the application for grant of patta or cancellation of patta should be kept in abeyance untill the the suit in O.S.No.133 of 2015 is disposed of and hence, the petitioner is not entitled to get patta till the disposal of the said suit.

5. Heard both sides and perused the materials available on records carefully.

6. This Court in the earlier ordered mentioned above has held that the only on the conclusion of the civil dispute between the parties, the application for cancellation of patta can be entertained by the revenue officials and liberty was also given to the parties to approach the revenue officials after conclusion of the civil dispute. That apart, this Court also directed to kept in abeyance the order of cancellation of patta, which was passed by the District Revenue Officer till the

conclusion of the civil dispute. Now, the suit in O.S.No.133 of 2015 is pending between the parties. In the said circumstances, unless civil dispute is concluded, the petitioner cannot seek for patta.

7. Considering the above circumstances, the prayer sought by the petitioner cannot be granted at this stage. However, as directed by this Court earlier, the Revenue authorities are directed to consider the petitioner's application after conclusion of the civil proceedings between the parties.

8. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mrp

To

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

2. The Sub Collector,
Sub Collector Office
Hosur 635 109,
Krishnagiri District.

3. The Tahsildar,
Taluk Office,
Shoolagiri 635 117
Krishnagiri District.

+1cc to Mr.C.Jagadish, Advocate, S.R.No.31069
+1cc to Mr.R.Bharathkumar, Advocate, S.R.No.31142

W.P. No.27629 of 2019

UM(CO)
PM(04/08/2021)