

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.16697 of 2015
and M.P.No.1 of 2015

Marappa

... Petitioner

Vs.

- 1.The District Collector,
Krishnagiri District.
- 2.The District Revenue Officer,
Krishnagiri District.
- 3.The Tahsildar,
Hosur Taluk,
Krishnagiri District.
- 4.The Village Administrative Officer,
Enusonai Village,
Hosur Taluk,
Krishnagiri District.

5.Muthappa

... Respondents

PRAYER: This Writ Petition filed under Section 226 of Constitution of India, pleaded to issue a Writ of Mandamus forbearing the respondents particularly the respondents 3 and 4 from in any manner mutating the revenue records or from collecting the land tax from the 5th respondent relating to the land in Survey No.116/4, Enusonai Village, Hosur Taluk, Krishnagiri District, pending disposal of the Special Leave Petition (Civil) Nos. 34205 and 34206 of 2012 filed by the 5th respondent on the file of the Honourable Supreme Court of India.

For Petitioner : No appearance

For RR1 to RR4 : Ms.Akila Rajendran, Government Advocate
Additional Government Pleader

For RR5 : Mr.P.Subba Reddy

Order

The petitioner has filed this petition for issuance of writ of Mandamus forbearing the respondents particularly the

respondents 3 and 4 from in any manner mutating the revenue records or from collecting the land tax from the 5th respondent relating to the land in Survey No.116/4, Enusonai Village, Hosur Taluk, Krishnagiri District, pending disposal of the Special Leave Petition (Civil) Nos. 34205 and 34206 of 2012, filed by the 5th respondent on the file of the Honourable Supreme Court of India.

2. The case of the petitioner is that the property comprised in S.F.No.116/4, measuring an extent of 1.85.5 hectares belonged to his father Govindan and his father died on 04.11.1990, leaving behind the petitioner, his mother, his brother and sister to succeed to the estate and a joint patta was issued in their names. After the death of his father, the 5th respondent herein made a rival claim over the aforesaid property and according to him, he had entered into an Agreement of Sale dated 13.08.1987 and alleging the same, the 5th respondent gave a complaint dated 18.05.1992 to the Shoolagiri Police Station and the police authorities directed the parties to resort to civil proceedings. Therefore, the petitioner along with his mother, brother and sister have filed a Suit in O.S.No.172 of 1992, on the file of the learned District Munsif, Hosur, praying for declaration to declare that they are the owners of the property in question and in contra, the 5th respondent herein has also filed a Suit in O.S.No.382/1990 praying for a specific performance of the alleged agreement dated 13.08.1987. It is further alleged by the petitioner that after trial, the Suit filed by the 5th respondent herein was decreed and the suit filed by the petitioner was dismissed and the petitioner along with his family members have filed A.S.Nos.10 and 11 of 1999, however both the appeals were dismissed and thereafter filed S.A.Nos.243 and 244 of 2005, before this Court and the said second appeals were allowed by this Court. As against the judgment in the Second Appeals, the 5th respondent herein has preferred Special Leave to Appeal (c) Nos.34205 and 34206 of 2012 before the Hon'ble Supreme Court of India, wherein the Supreme Court has directed both sides to maintain status quo as on that date. It is the grievance of the petitioner that during the pendency of the case before the Hon'ble Apex Court, the 5th respondent attempted to transfer the revenue records in his name and in this regard, the petitioner has also submitted a representation to the official respondents to mutate the revenue records in the name of the 5th respondent. In spite of all the above, the 4th respondent mutated the Adangal Extract in the name of the 5th respondent on 02.05.2014. Aggrieved by the same, the petitioner is before this Court.

3. The learned counsel for the petitioner is absent. Considering the long pendency of this Writ Petition from the year 2015, this Court is inclined to dispose of the case based on the available materials.

4. The learned counsel appearing for the private respondents submitted that this Court may restrain the revenue officials from not to mutate the revenue records till the disposal of the SLP.(Civil) Nos.34205 and 34206 of 2012.

5. In view of the fair submission made by the learned counsel for the private respondent, this Court restrains the revenue officials to mutate the revenue records till the disposal of the Special Leave Petition filed by the 5th respondent.

6. This Writ Petition is disposed of with the above terms. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Krishnagiri District.

2.The District Revenue Officer,
Krishnagiri District.

3.The Tahsildar,
Hosur Taluk,
Krishnagiri District.

4.The Village Administrative Officer,
Enusonai Village,
Hosur Taluk,
Krishnagiri District.

+1 cc to Mr.P.Subba Reddy, Advocate Sr.NO. 37754

+1 cc to Government Pleader Sr.NO. 38581

W.P.No.16697 of 2015

nrl(CO)

A.SK(11/07/2022)