IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 13.04.2022
CORAM :
THE HONOURABLE MR. JUSTICE M. DHANDAPANI
W.P.Nos.9400 & 9401 of 2022

S.Bhupathi ... Petitioner in both WPs

Vs.

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

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

3.The Tahsildar,
Uthangarai Taluk,
Krishnagiri Taluk.
... Respondents 1 to 3 in both WPs

4.N.Azhagarasu,
Regional Transport Officer.
5.A.Rani ... Respondents 4 and 5 in W.P.No.9400 of 2022

6.Sengottaiyan ... Respondent 4 in W.P.No.9401 of 2022

Prayer in W.P.No.9400 of 2022: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 2nd respondent to dispose appeal dated 08.10.2020 filed by the petitioner to cancel the patta in P.No.1332 in respect of the property in old S.No.7/2A2B1, new S.No.7/2A2 situated at Thandiyappanur Village, Uthangarai Taluk, Krishnagiri District issued in the name of the 5th respondent.
Prayer in W.P.No.9401 of 2022: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 2nd respondent to dispose appeal dated 08.10.2020 filed by the petitioner to cancel the patta in P.No.1254 in respect of the property in old S.No.7/2A2B1, new S.No.7/2A2 situated at Thandiyappanur Village, Uthangarai Taluk, Krishnagiri District issued in the name of the 4th respondent.

For Petitioner : M/S.V.Elangovan
(in both WPs)

For R1 to R3 : Mr.R.Vigneswaran
(in both WPs) Government Advocate

COMMON ORDER

Since the issue involved and the relief sought for in these two Writ Petitions, are identical in nature, the same were heard together and disposed of by this common order.

2. The case of the petitioner is that the land in old S.No.7/2A2B1, new S.No.7/2A2 of an extent of 4.20 acres, situated at Thandiyappanur Village, Uthangarai Taluk, Krishnagiri District, was purchased from one Annamalai and Velayutham, by way of registered sale deed in D.No.1777/1974 dated 13.09.1974 and D.No.139/1977 dated 14.02.1997, on the file of Sub-Registrar Office, Uthangarai. After purchase of the aforesaid property, all the Revenue Records were mutated in the name of the petitioner. Patta was also issued in his name, vide Patta No.252. While so, there was a business transaction between the petitioner and the private respondents herein. In this regard, the petitioner had executed sale deeds, dated 12.06.2017 and 29.11.2017 in favour of the private respondents in the respective Writ Petitions. Thereafter, the private respondents had transferred the Patta in their name and alienated the property to some other person after the transaction. Immediately, the petitioner filed Civil Suits in O.S.No.11 of 2021 and O.S.No.12 of 2021 before the Sub Court, Uthangarai, to declare the sale deeds executed in favour of the private respondents, as null and void, and the said suits are still pending. Besides cancellation of the Patta, the petitioner filed an appeals dated 08.10.2020 before the second respondent/Revenue Divisional Officer, seeking to cancel the Patta issued in the name of the private respondents herein and also to re-transfer the Patta in the name of the petitioner. However, till date, no order has been passed by the second respondent. Hence, the petitioner filed the present Writ Petitions for the aforesaid relief.

3. Though very many grounds have been raised, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the second respondent/Revenue Divisional Officer to consider the petitioner's appeals dated 08.10.2020 and pass orders on the same within a particular time

frame that may be fixed by this Court.

4. Since no adverse order is being passed against the private respondents, notice to the private respondents is dispensed with.

5. Heard the learned counsel for the petitioner as well as the learned Government Advocate appearing for the respondents 1 to 3 and perused the materials available on record.

6. The facts in the present case are not in dispute. Admittedly, the petitioner had executed sale deeds in favour of the private respondents in the year 2017. Subsequent to the execution of the sale deeds, the private respondents had transferred the Patta in their favour. Further, the petitioner also admitted that he has filed Civil Suits in O.S.No.11 of 2021 and O.S.No.12 of 2021 respectively, challenging the sale deeds executed by the private respondents, and the said Suits are pending. When such being the position, the petitioner filed appeals before the second respondent/Revenue Divisional Officer for transfer of Patta, which does not arise, and unless the petitioner possesses title as per Tamil Nadu Patta Pass Book Rule 4(4), when the Civil Suits are pending, the Revenue Officials has no power to decide the Patta, till the disposal of the Civil Suits.

7. In view of the above, the relief sought for in these Writ Petitions cannot be granted. Accordingly, these Writ Petitions are dismissed. However, liberty is granted to the petitioner to file appropriate petition before the Revenue Officials after disposal of the Suits. No costs.

Sd/-
Assistant Registrar (CO)

//True Copy//
Sub Assistant Registrar

jd/rap
To
1.The District Revenue Officer,
Krishnagiri District,
Krishnagiri.

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

3.The Tahsildar,
Uthangarai Taluk,
Krishnagiri Taluk.

+2 ccs to M/s.S.Doraisamy Advocate sr25704,25707
+1 cc to Government Pleader sr 26349

W.P.Nos.9400 & 9401 of 2022

rk(co)
aa10/06/2022