



WP.No.23864 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2022

CORAM

THE HONOURABLE Mr. JUSTICE M.DHANDAPANI

WP.No.24724 of 2022

A.Basappa Gowdu

...

Petitioner

Vs

1. The District collector,
Krishnagiri District.

2. The Tahsildar,
Krishnagiri.

... Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the impugned orders passed by the 2nd Respondent in Na.Ka. No.789/ 2021 / A1, dated 15.06.2022 quash the same and consequently, direct 2nd respondent to transfer the patta in the name of the petitioner to land in S.No.7/5A and 7/ 5 B of Kadavarapalli village , Krishnagiri Taluk and District.

For Petitioner : Dr.G.Babu

For Respondents : Mr.D.Gopal, GA



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ORDER

This petition has been filed seeking to quash the impugned orders passed by the 2nd Respondent in Na.Ka. No.789/ 2021 / A1, dated 15.06.2022 and consequently, direct 2nd respondent to transfer the patta in the name of the petitioner land in S.No.7/5A and 7/ 5 B of Kadavarapalli village , Krishnagiri Taluk and District.

2. Heard the learned counsel for the petitioner as well as the learned Government Advocate appearing on behalf of the respondents and perused the materials available on record.

3. It is the case of the petitioner that the petitioner is the owner of the property in S.No.7/5 measuring the petitioner made an application before the second respondent for cancellation of patta, which stands in the name of one Babu and Vadivel in respect of S.No.7/5 and transfer the same in the name of the petitioner. The second respondent has rejected the petitioners application, vide proceeding dated 15.06.2022 on the ground that an Appeal suit in A.No.790/2019 is pending before this Court in respect of the above said property. Challenging the said impugned proceedings, the



petitioner has filed the present writ petition before this Court.

4. Learned counsel for the petitioner submitted that initially the petitioner filed a suit in O.S.No.136/2009 against one Babu and Vadivel before the District Munsif Court, Krishnagiri and the same was decreed on 31.08.2016. Challenging the said order, the said Babu and Vadivel filed an appeal before the Sub Judge, Krishnagiri and the same was dismissed on 12.12.2018. After obtaining the decree, the petitioner made application for transfer of patta and the same was rejected by the second respondent, which is non-est in law. Hence, this Court may quash the impugned order and allow this petition.

5. The learned Government Advocate submitted that as against the order passed by the lower appellate Court, aggrieved parties have filed an appeal suit before this Court in A.S.No.790 of 2019 and the same is pending. When the suit is pending before the competent court with regard to the subject property, the respondents have no power to transfer the patta in favour of the petitioner and the respondents have rightly rejected the



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application made by the petitioner and hence, this court does not warrant any interference in the impugned order and dismiss the petition.

6. As rightly pointed out by the learned Government Advocate that when the suit is pending with regard to the disputed land, the revenue officials have no power to decide the issue for transferring the patta in favour of the petitioner. Considering the facts and circumstances of the case, this Court, without expressing any opinion on the merits of the case, directs the petitioner to file an appropriate petition/application before the second respondent after disposal of the appeal suit, which is pending before this Court.

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

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Rli

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking



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Krishnagiri.



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M.DHANDAPANI, J.

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