



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.30945 OF 2018

C.Venkatesan

... Petitioner

Vs

1. The Sub Collector,
Hosur, Krishnagiri District.
2. C.P.Munikrishnappa
3. C.P.Ramakrishnappa
4. Gowramma
5. Subramani
6. Gangadharan
7. Muninagamma
8. Anitha

... 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 in Pa.Mu.2009/2017/B3 dated 28.02.2018 on the file of the first respondent and quash the same and further to direct the first respondent to issue patta in S.No.461/9 to an extent of 0.23 cents in Mornapalli Village, Hosur Taluk to the petitioner.

For Petitioner : Mr.P.Suresh Babu

For Respondents : Mr.A.Anandan, GA R1
Additional Government Pleader

Mr.N.Anand RR2 to 8



ORDER

The writ petition has filed by the petitioner seeking to quash the order bearing Pa.Mu.2009/2017/B3 dated 28.02.2018 on the file of the first respondent and further to direct the first respondent to issue patta in S.No.461/9 to an extent of 0.23 cents in Mornapalli Village, Hosur Taluk to the petitioner.

2. The case of the petitioner is that the property in S.No.461/9 to an extent of 0.23 cents in Morapalli Village, Hosur Taluk is the ancestral property of the petitioner. After demise of the petitioner's father, the petitioner made a representation during the year 2013 to issue patta in his name. However, the same was not considered and kept by the first respondent. Instead of granting patta to the petitioner, the first respondent granted patta to the respondents 2 to 7 herein respectively. Therefore, the petitioner made a representation to the first respondent to cancel the patta and the same was also not considered. Aggrieved by the act of the respondents, the petitioner filed a writ petition a writ petition before this Court in W.P.No.5348 of 2017 wherein this Court had directed the petitioner to give a fresh representation and thereafter, the first respondent should pass order on merits within three months thereafter. Pursuant to which, the representation was rejected on the ground that the petitioner has already filed a suit in O.S.No.64/2014 on the file of the District Munsif Court, Hosur. Challenging the said rejection order, the petitioner has filed the present writ petition seeking appropriate directions.

3. The learned counsel for the petitioner submitted that in view of the pendency of the suit, the revenue authorities rejected the representation made by the petitioner. Hence, this Court may permit the petitioner to canvas all the points before the civil court.

4. Heard, the learned counsel for the petitioner, and the Government Advocate appearing for the respondents and perused the materials available on record.

5. The facts of the case are not in dispute. There is a dispute with regard to the afore said property between the petitioner and the respondents 2 to 8. In this regard, the petitioner has filed a suit in O.S.No.64 of 2017 on the file of the District Munsif Court, Hosur for permanent injunction and the same is pending. Suppressing all these facts, the petitioner made a representation to the respondents to cancel the patta, which stands in favour of the private respondent and re-transfer the same in favour of the petitioner, which is not justifiable. When the suit is pending with regard to the disputed property,



the revenue officials have no power to grant patta in favour of any of the person. Hence, the respondent has rightly rejected the claim made by the petitioner.

6. Considering the facts and circumstances of the case and the limited relief sought for by the petitioner, this Court directs the petitioner to canvas all points before the learned District Munsif Judge, Hosur in O.S.No. 64 of 2017.

7. With the above observation, this writ petition is dismissed. No order as to costs.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

rli

To

The Sub Collector,
Hosur, Krishnagiri District.

+1cc to M/s.C.Prabakaran, Advocate, S.R.No.36054

+1cc to Mr.P.Suresh Babu, Advocate, S.R.No.36486

+1cc to the Government Pleader, S.R.No.36586

W.P.No.30945 of 2018

RSV(CO)
RLP(04/07/2022)