



WEB COPY

WP No.11965 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03-07-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.11965 of 2023

And

WMP No.11830 of 2023

Mr.R.Jalandara

... Petitioner

Vs.

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

2.The Revenue Divisional Officer,
Hosur Taluk,
Hosur-635 109.

3.The Tahsildar,
Hosur Taluk,
Hosur-635 109.

4.Mrs.G.Lakshamma

5.Mr.G.Venkatesh

6.Mr.Kullappa

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the entire records relating to the first respondent's order dated 31.03.2023 in proceeding No.Pa.Mu.22023/2022/J2, in respect of the land measuring Hectares 0.72.5 Ares (1 Acre and 79 Cents) comprised in Survey No.178/2 of Thorapalli Agraharam Village, Hosur Taluk, Krishnagiri District from the file of the first respondent herein and quash the same.

For Petitioner : Mr.B.K.Sreenivasan

For Respondents-1 to 3 : Mr.D.Ravichander,
Special Government Pleader.

For Respondents-4 and 5 : No Appearances

For Respondent-6 : Ms.R.Divya Preethika

ORDER

The order impugned dated 31.03.2021 passed by the first respondent-District Revenue Officer, Krishnagiri relegating the parties to approach the Competent Civil Court of Law is sought to be quashed in the present writ petition.

2. The petitioner states that he has purchased the subject



property measuring to an extent of 1.25 acres as decreed in the present writ petition.

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3. The sixth respondent also claims title in respect of 54 cents in the same property.

4. The learned counsel for the petitioner mainly contended that the order impugned has been passed without impleading him as a party and therefore, he had no opportunity to defend his case.

5. However, the learned counsel appearing on behalf of the sixth respondent raised an objection that the writ petitioner purchased the property only in February 2023 and the application for transfer of patta has been filed by the sixth respondent even prior to the purchase of the property by the petitioner. Thus the grounds raised by the petitioner is untenable.

6. May that as it be. The findings in the impugned order reveals that the dispute exists between the parties regarding their civil rights, none of the parties should appear before the District Revenue Officer has



furnished the original Title Deeds to establish their case and therefore, the District Revenue Officer has ordered for granting Joint Patta and relegated the parties to approach the Competent Civil Court of Law.

7. Since the Joint Patta would create further complication and by taking undue advantage of the said order, the parties may attempt to secure orders in their favour one way or the other. Once there is civil dispute exists between the parties, the Authorities are bound to grant liberty to the parties to approach the Civil Court of Law.

8. In view of the fact that civil dispute between the petitioner and the sixth respondent exists with reference to 54 cents, the parties are at liberty to approach the Competent Civil Court of Law. However, all revenue proceedings, including patta granted in the name of the petitioner and the impugned order dated 31.03.2023 shall stand kept in abeyance. Till such time, the parties shall resolve their dispute through Competent Civil Court of Law. After disposal of the civil litigations, either of the parties are at liberty to approach the Competent Authorities for grant of patta, cancellation of patta, mutation of revenue records and claim of compensation under Patta



Pass Book Act, 1983.

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9. With the above clarifications, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

03-07-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn

To

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Krishnagiri District,
Krishnagiri.
- 2.The Revenue Divisional Officer,
Hosur Taluk,
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- 3.The Tahsildar,
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Hosur-635 109.

S.M.SUBRAMANIAM, J.



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