IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.16764 of 2023 and
W.M.P.No.16041 of 2023

V.Venkatesh Reddy ... Petitioner

Vs

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

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

3.The Tahsildar,
Hosur Taluka,
Hosur, Krishnagiri District.

4.Jayarama Reddy ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order in Pa.Mu.No.5520/2010/J2 dated 24.03.2023 on the file of the 1st respondent and quash the same as illegal and consequently directing the 3rd respondent to issue patta to the petitioner and thereby restore the order of the 2nd respondent made in Mu.Mu.5971/09/(A4) dated 22.1.2010.

For Petitioner : Mr.K.A.Mariappan

For Respondents : Mr.N.Naveenkumar
Government Advocate for R1 to R3

ORDER

The order impugned passed by the District Revenue Officer in Proceeding dated 24.03.2023 asking the writ petitioner to submit an application after the disposal of the civil suit instituted in O.S.No.5/2010 is under challenge in the present writ petition.

2. The petitioner states that he is the owner of the lands in Survey No.668/2, measuring to an extent of 0.36.0 hectares in Patta No.745 situated at Nallur Village. The 4th respondent submitted an application to the original authority for cancellation of patta granted in favour of the petitioner. The said petition was allowed without conducting any enquiry and notice to the writ petitioner. Thus, the petitioner preferred an appeal before the Revenue Divisional Officer, Hosur, who, in turn, set aside the order passed by the original authority cancelling the patta granted in favour of the 4th respondent and restored the patta originally granted in the name of the writ petitioner. The 4th respondent again filed an appeal before the District Revenue Officer,

who, in turn, through the impugned proceedings dated 24.03.2023 set aside the order passed by the First Appellate Authority viz., the Revenue Divisional Officer, Hosur. Thus, the petitioner is constrained to move the present writ petition.

3. The learned counsel for the petitioner mainly contended that the order impugned was passed without any notice to the writ petitioner and without conducting any enquiry and therefore, the impugned order is in violation of the principles of natural justice.

4. The grant of patta or its cancellation or mutation of revenue records are to be done by conducting an enquiry under the Tamil Nadu Patta Passbook Act, 1983. The provisions of the Act contemplates an enquiry which is to be conducted by affording an opportunity to all the parties. In the present case, the order impugned reveals that a civil suit in O.S.No.5/2010 is pending and therefore, the parties were asked to approach the competent authority after the disposal of the said suit.

5. Section 14 of the Tamil Nadu Patta Pass Book Act, 1983 provides 'Bar of suits'. The proviso clause denotes that *"if any person is aggrieved as to any right of which he is in possession, by an entry made under this Act, he may institute a suit against any person denying or interested to deny his title to such right, for a declaration of his rights under Chapter VI of the Specific Relief Act, 1963 (Central Act 47 of 1963); and the entry in the patta pass book shall be amended in accordance with any such declaration*". Therefore, the authorities competent are duty bound to amend the patta Pass book based on the decree awarded by the competent civil Court of law.

6. Curiously the petitioner has submitted a copy of the judgment and decree dated 17.08.2010 passed in O.S.No.5 of 2010. The suit was instituted by the writ petitioner Mr.Venkatesh Reddy for declaration and permanent injunction. The suit was decreed on 17.08.2010 itself. Therefore, it is apparent that the District Revenue Officer has not conducted any enquiry nor provided an opportunity to the petitioner to submit the copy of the decree and the other relevant documents. The competent authority in the rank of District Revenue Officer is expected to afford an opportunity to

conduct an enquiry by the parties concerned and by following the principles of natural justice. However, in the present case, the District Revenue Officer has not even verified that the suit instituted by the petitioner was decreed in his favour.

7. Since there is a gross violation of the principles of natural justice being committed by the District Revenue Officer, Krishnagiri, this Court is inclined to remit the matter back for fresh consideration. Accordingly the order impugned passed by the 1st respondent in Proceeding Pa.Mu.No.5520/2010/J2 dated 24.03.2023 is quashed. The matter is remitted back to the 1st respondent/District Revenue Officer for fresh consideration. The District Revenue Officer shall issue summons to all the parties concerned and thereafter conduct an enquiry by affording an opportunity and decide the issues on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

8. Accordingly, the Writ Petition stands allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

08.06.2023

Index : Yes/No

Speaking Order : Yes/No

Sgl

To

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Hosur, Krishnagiri District.

3.The Tahsildar,
Hosur Taluka,
Hosur, Krishnagiri District.

S.M.SUBRAMANIAM, J.

Sgl

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