



W.A.Nos.1889, 1890 & 1895 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.A.Nos.1889, 1890 & 1895 of 2023

W.A.No.1889 of 2023

N.Manjunath

.. Appellant

Vs.

1. The District Collector
Collectorate
Krishnagiri, Krishnagiri District.
2. The District Revenue Officer
Collectorate
Krishnagiri, Krishnagiri District.
3. The Revenue Divisional Officer
Office of the Sub Collector
Denkanikotta Road, Hosur.
4. The Tahsildar
Taluk Office
Hosur, Krishnagiri District.
5. The Director
Directorate of Town and Country Planning
2nd, 3rd and 4th Floor, C & E Market Road
Koyambedu, Chennai 600 107.

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6. The Member Secretary
Hosur New Town Development Committee
District Town Planning Office
Hosur, Krishnagiri District.

7. Harish

8. Prabhu

.. Respondents

W.A.No.1890 of 2023

B.Subramani

Vs.

.. Appellant

1. The Director
Town and Country Planning
2nd, 3rd and 4th Floor
C & E Market Road
Koyambedu, Chennai 600 107.

2. The Joint Director
Town and Country Planning
2nd, 3rd and 4th Floor
C & E Market Road
Koyambedu, Chennai 600 107.

3. The Assistant Director
District Town and Country Planning
No.25/2, Nethaji Road
Hosur 635 109.

4. The Commissioner
Municipal Corporation
Hosur 635 109.

5. G.R.Anand Babu

6. V.Ramachandra Babu

7. A.Harish

8. P.Usha

.. Respondents



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W.A.No.1895 of 2023

N.Manjunath

Vs.

.. Appellant

1. The Commissioner
Hosur City Municipal Corporation
Bangalur Road, Opposite to Thillai Nagar
Hosur 635 109.
2. The Director
Directorate of Town and Country Planning
2nd, 3rd and 4th Floor
C & E Market Road
Koyambedu, Chennai 600 107.
3. The Deputy Director
Krishnagiri District Town and Country Planning Office
No.25/2, Nethaji Road
Hosur 635 109.
4. G.R.Anand Babu
5. Harish
6. Prabhu

.. Respondents

Prayer: Appeals filed under Clause 15 of the Letters Patent against the common order dated 21.06.2023 made in W.P.Nos.32474 & 33786 of 2022 and 716 of 2023.

For the Appellants

: Mr.Ravi Kumar Paul
Senior Counsel
For M/s. Paul and Paul



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For the Respondents : W.A.No.1889 of 2023
Mrs.R.Anitha
Special Government Pleader
for Respondents 1 to 5

Mr.T.Balaji for Respondent-6

Mr.M.S.Krishnan
Senior Counsel
For Mr.R.Sagadevan
for Respondents 7 & 8

W.A.No.1890 of 2023
Mrs.R.Anitha
Special Government Pleader
for Respondents 1 to 3

Mr.T.Balaji for Respondent-4

Mr.M.S.Krishnan
Senior Counsel
For Mr.R.Sagadevan
for Respondents 5, 7 & 8

W.A.No.1895 of 2023
Mr.T.Balaji for Respondent-1

Mrs.R.Anitha
Special Government Pleader
for Respondents 2 & 3

Mr.M.S.Krishnan
Senior Counsel
For Mr.R.Sagadevan
for Respondents 4 to 6



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JUDGMENT
(Delivered by the Hon'ble Chief Justice)

We have heard Mr.Ravi Kumar Paul, learned Senior Counsel for M/s. Paul and Paul, for the appellants, Mrs.R.Anitha, learned Special Government Pleader for the official respondents, Mr.T.Balaji, learned counsel for Municipal Corporation and Mr.M.S.Krishnan, learned Senior Counsel for Mr.R.Sagadevan, learned counsel for the private respondents.

2. The appellants had filed writ petitions before the learned Single Judge basically seeking to cancel the layout approval granted in favour of the private respondents, so also assailing the report of the Tahsildar dated 05.05.2022.

3. Learned Senior Counsel for the appellants strenuously contends that in fact, it is only in a writ petition under Article 226 of the Constitution, the appellants would have assailed the contradictory reports by the Tahsildar. The same person who



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4. In the report dated 12.02.2022, he had held that Tmt.Vinodha purchased the lands in S.Nos.345/1A2, 345/1A3 and 345/1C vide document No.2606/2002. Thereafter, she has executed the Settlement Deed in favour of her son Manjunath in S.Nos.345/1A2, 345/1A3, 345/1AC, 345/1D and 345/1E, totalling five survey numbers, showing the said document No.2606/2002 and the upgraded scheme A Register patta No.33 as previous documents. Though Tmt.Vinodha purchased the lands in only three survey numbers 345/1A2, 345/1A3 and 345/1AC, the Settlement Deed was registered in all the survey numbers erroneously.

5. Whereas the same Tahsildar again gave a report on 05.05.2022, holding that as per the document No.2606/2002, Tmt.Vinodha had not purchased anything and no patta is issued in patta No.33 through the Revenue Department to the said Vinodha, as Patta No.33 was in the name of one Kurappa.



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6. According to learned Senior Counsel, the learned Single Judge ought to have gone into the veracity of the reports and arrived at a conclusion. They are the documents of the revenue officials. The learned Single Judge ought not to have relegated the appellants to seek relief in the pending civil suits.

7. It appears that the appellants had raised an objection to the application for approval of layout and the layout is sanctioned in favour of the private respondents and the same is sought to be assailed in the writ petitions.

8. It would also appear that prior to the filing of the present writ petitions, the appellants had filed civil suits before the District Court bearing O.S.Nos.66 of 2022 and 72 of 2022. The appellants had claimed declaration of their title and also challenged the sale deed executed in favour of the private respondents with consequential relief of injunction. The suits are still pending. The sanction of layout has to be in favour of the owner of the property. The dispute with regard to title is sub judice before the civil Court.

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The appellants have also sought injunction. The plaintiffs in the suit are not precluded from claiming further consequential reliefs of not changing the nature of the property or alienation or such other consequential relief considering the facts and circumstances of the case.

9. It is for the appellants to seek reliefs in the pending suits. The learned Single Judge has also observed that when the dispute of title is pending before Civil Court, the appellants are at liberty to file Interlocutory Applications and direction is also given to decide the Interlocutory Applications within the stipulated period. In view of the pendency of the civil suits, it would not be appropriate to give any finding, even *prima facie* in respect of title qua the properties. The same would be preempting the decision of the civil suits. In a writ appeal, the said disputed question of title cannot be gone into.

10. As far as the contention of learned Senior Counsel for the appellants that two contradictory reports are given by the Tahsildar, certainly, before the Civil Court, the records can be called for and



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the facts established.

11. In view of the pendency of the civil suits before the competent Civil Court, the learned Single Judge has not committed any error in relegating the appellants for appropriate relief before the Civil Court.

12. The writ appeals accordingly stand disposed of. There will be no order as to costs. Consequently, C.M.P.Nos.16351, 16353, 16350, 16352, 16367 and 16368 of 2023 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

07.09.2023

Index : Yes/No

Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
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