



W.A.No.2021 of 2022

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

W.A.No.2021 of 2022
and
C.M.P.No.15233 of 2022

N.Suresh Babu

...Appellant

Vs.

1.Gowramma

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

3.The Tahsildar,
Taluk office, Hosur,
Krishnagiri District.

...Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 12.01.2022 made in W.P.No.30754 of 2018.

For Appellant	:	Mr.R.Jayaprakash
For Respondents	:	Mr.A.Selvendran, Special Government Pleader for R2 and R3



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J U D G M E N T

WEB COPY (Judgment of the Court was made by **R.SUBRAMANIAN, J.**)

The 3rd respondent in W.P.No.30754 of 2018 is on appeal aggrieved by the order dated 12.01.2022 allowing the said writ petition.

2. The prayer in the writ petition reads as follows:-

“Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent issued in Pa.Mu.10273/2018/J2 dated 11.09.2018, quash the same and consequently direct respondents 1 and 2 to rectify the mistakes crept in, in the Revenue Records in respect of lands measuring 75 cents in Survey No.6/1, Odapalli Dinna Village, Hosur Taluk, Krishnagiri District and issue patta in favour of the petitioner, within the time to be stipulated by this Court. ”

The brief facts that led to the filing of the writ petition are as follows:-

3. The property in question viz., Survey No.6/1, Odapalli Dinna Village, Hosur Taluk, Krishnagiri District belonged to the family of the appellant and the 1st respondent. At a partition between the predecessors in



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interest of the appellant and the 1st respondent which took place on 19.07.1973 vide a registered Document bearing No.2647 of 1973, the properties were divided and 2 acres in Survey No.6/1 was allotted to the 1st respondent's husband and 20 cents were allotted to his brother Nallapa, who is the father of the appellant. The rights conferred under the partition deed were subject matter of two suits in O.S.Nos.101 of 1997 and 158 of 2003.

4. The suit in O.S.No.158 of 2003 was filed by the 1st respondent and her siblings seeking partition in respect of nearly 14 items of properties in 'A' Schedule, which included 2 acres and 20 cents in S.No.6/1 of Odapalli Dinna Village and one item in 'B' Schedule. Another suit was filed by the appellant, his father and his siblings in O.S.No.101 of 1997 seeking a declaration of their title in respect of twelve items in Schedule '1' and three items in schedule '2'. The land in S.No.6/1 was shown as item 7 and the extent was 1 acre out of 2 acres 20 cents.

5. It was the contention of the appellant and his family that the properties which are subject matter of the suit in O.S.No.101 of 1997 were



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allotted to them in the partition referred to supra. The trial Court dismissed both the suits. Aggrieved, the parties preferred two appeals in A.S.Nos.11 and 16 of 2006. A.S.No.11 of 2006 that was filed against the partition suit viz., O.S.No.158 of 2003 was dismissed by the appellate Court. However, A.S. No.16 of 2006 which was against the dismissal of the declaration suit was decreed in respect of all the items in schedule 1 except 80 cents in S.No.6/1, on a conclusion that only 20 cents was allotted to the family of the appellant.

6. Since the revenue records did not reflect the dictum of the civil Court, the 1st respondent made a representation for effecting mutation which was rejected by the revenue Authorities directing the 1st respondent to approach the Civil Court. This order of the revenue Authorities was subject matter of challenge in the writ petition.

7. The writ Court took note of the civil proceedings, the declaration made and a finding therein to the effect that the appellant would be entitled



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to 80 cents in S.No.6/1, allowed the writ petition directing mutation to be effected in respect of S.No.6/1 which shall be in tune with the decree passed by the civil Court. It is this order which is appealed against.

8. We have heard Mr.R.Jayaprakash, learned counsel appearing for the appellant.

9. We do not find any ground to interfere with the order of the writ Court. Once a competent civil Court has rendered a finding that the 80 cents in S.No.6/1 belongs to the 1st respondent as it was allotted to her husband in the partition that took place in 1973, the revenue Authorities are bound to implement the order of the civil Court. They cannot drive the parties time and again to the Civil Court on the ground that there is no decree declaring title of the 1st respondent. The finding in A.S.No.16 of 2006 is clear and categoric to the effect that 80 cents in S.No.6/1 belongs to the 1st respondent.

10. Therefore, we see no reason to interfere with the order of the writ Court. The writ appeal fails and it is accordingly **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.



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(R.S.M., J.) (R.S.V., J.)

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Index : No

Internet : Yes

Neutral Citation : No

Speaking order

CC To:

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

2.The Tahsildar,
Taluk office, Hosur,
Krishnagiri District.



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and
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