



W.P.No. 19842 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.11.2024

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 19842 of 2024

and

W.M.P.No.21734 of 2024

B. Anjappa

... Petitioner

Vs

1. The District Collector
Hosur Taluk
Krishnagiri District

2. The District Revenue Officer
Hosur Taluk,
Krishnagiri District

3. The Deputy Zonal Tahsildar
Hosur Taluk,
Krishnagiri District

4. Manjunath

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Certiorarified Mandamus to call for the entire records relating to the impugned proceedings PA.MU.27136/2021/J2 dated 27.05.2024 on the file of the 2nd respondent quash the same subsequently directing the respondents to restore the Patta in my name in respect of Natham Survey No.288/17 measuring an extent 62 sq meters of Bagalur Village, Hosur Taluk, Krishnagiri District.

For Petitioner	:	Mr.R.Ezhilarasan
For Respondent 1 to 3	:	Mr. P. Sathish Additional Government Pleader
For Respondent 4	:	Mr.R.Jayaprakash

ORDER

Aggrieved by the grant of a patta to the 4th respondent by order of the second respondent dated 27.05.2024, the petitioner is before this Court.

2. It is the case of the petitioner that land in Natham Survey No.288/17, measuring an extent of 62 Square Meters originally



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belonged to one Onnammal and she was granted Grama Natham patta No.823. Thereafter, she had settled the property on her son B.V.Anandharao under a registered Settlement Deed dated 29.03.2002 and Natham patta was transferred in his name and all revenue records were mutated in the name of B.V.Anandharao. Subsequently, the said B.V.Anandharao had sold the property to the petitioner under a registered Sale Deed dated 09.10.2017 and the patta was transferred in his name under proceedings dated 16.10.2017 and all the revenue records were mutated in his name. Thereafter, a computerised patta was also issued by the 3rd respondent on 07.05.2024.

3. While so, when the petitioner demolished his old building and commenced a new construction in the year 2021, the 4th respondent claimed a right to the property, stating that the land was assigned to his grandfather and made a representation to the 2nd respondent to grant patta in his favour, based on which the impugned order came to be passed. Aggrieved by the said order, the petitioner is before this Court.



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4. A counter affidavit had been filed by the 2nd respondent, wherein the 2nd respondent has himself conceded that, during the Natham Survey and Settlement in the year 1994-95, the properties stood registered in the name of Onnammal. However, he goes on to state that the house site patta in the year 1977 was granted to one Krishnappa, the father of the 4th respondent by the Tahsildar, Hosur. The said Krishnappa had permitted Onnammal to put up a tea shop in the land and a patta has been erroneously issued to her and that the petitioner has purchased the property without properly verifying the title. He would concede that, the Sub Collector, Hosur, to whom the 4th respondent had sent a request to transfer the patta, has passed an order stating that, since there was a serious dispute with reference to the title, the parties shall work out their remedies before the Civil Court. That being the case and when it is conceded by the 2nd respondent that even as early as in the year 1994-1995, a patta had been granted in the name of Onnammal and thereafter, it has been transferred in the name of her son and on the sale in favour of the petitioner, the patta stood



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transferred in his name. The 4th respondent, who claimed a right, has kept quiet all these years and has filed an application only in the year 2024. Where there is a serious dispute with reference to title, the revenue authorities cannot consider the question of title and parties have to be relegated to the Civil Court.

5. Therefore, in the above circumstances, the impugned order wherein the 2nd respondent has gone into the issue of title, cannot be sustained and has to be set aside. Accordingly, the Writ Petition is allowed. The impugned order is quashed. The patta shall be restored to its original state in the name of the petitioner within a period of two weeks from the date of receipt of a copy of this order. The parties shall work out their remedies before the Civil Court. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

07.11.2024

Index: Yes/No

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To,

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2. The District Revenue Officer
Hosur Taluk,
Krishnagiri District
3. The Deputy Zonal Tahsildar
Hosur Taluk,
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P.T.ASHA, J.,

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