



W.P. No.20859 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE **N. SATHISH KUMAR**

W.P. No.20859 of 2023 and
W.M.P. No.20233 of 2023

Manjunath

. . Petitioner

Vs

1.The Authorised Officer cum
Special District Revenue Officer
National Highway No.7, 46, 47, 66, 844 & 207
Krishnagiri - 635 001

2.Venkatamma

. . Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus to call for the entire records relating to the impugned order passed in Na. Ka. No.105/2023/B4 dated 06.06.2023 on the file of the 1st respondent, quash the same and consequently for a direction to the 1st respondent not to disburse any compensation to the 2nd respondent in respect of S. No.35/1B of Eachangur Village, Hosur Taluk measuring an extent 2946 Sq.Mtrs.

For Petitioner : Mr.R.Ezhilarasan

For Respondents : Mr.A.Selvendran, Spl.G.P for R1
M/s.K.M.Vijayan Associates for R2



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ORDER

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This writ petition has been filed challenging the order in Na. Ka. No.105/2023/B4 dated 06.06.2023 passed by the Special District Revenue Officer cancelling the No Objection Certificate issued in favour of the petitioner. The order has been passed, based on the ground that the petitioner has not appeared to the enquiry and whereas the revenue records indicate that the property belongs to Tmt.Venkatamma w/o.Ramareddy.

2. Though various facts have been placed before this court, the disputed fact which according to the petitioner, is that the petitioner's grandmother is the original owner of the property, whereas the second respondent would submit that the petitioner's grandmother is not the original owner whereas the second respondent's mother is the original owner and the petitioner has created false documents and obtained a No Objection Certificate.

3. Both the parties have placed much reliance on the Birth and the Legal heir certificate of one Muniyamma before this court, since those aspects are clear disputed question of facts, the writ court cannot decide the issue. It appears that based on the cancellation of the No Objection



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Certificate, the sale deed executed by the petitioner is also cancelled, in respect of which an appeal has also been filed by the petitioner and the same is pending before the Inspector General of Registration.

4. Since disputed question is involved, let the writ petitioner file a civil suit to establish his right over the property and till the civil court decides the disputed facts, the order passed in the writ petition touching upon the merits of the case will not bind on the properties. The civil court shall decide the suit on its own, based on the materials that may be produced before the court, evidence and its proof. Both parties have fairly stated that they will work out their remedy before the civil court. The said statement is also recorded.

5. With the above observation and direction, the writ petition is dismissed. No costs. Consequently, the connected writ miscellaneous petition is closed.

03.04.2024

Index : Yes / No
Speaking/non speaking order
Neutral Citation : Yes/No
Asr

Note : Issue order copy on 05.04.2024.

B/o.



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N. SATHISH KUMAR, J.

Asr

To

1.The Authorised Officer cum
Special District Revenue Officer
National Highway No.7, 46, 47, 66, 844 & 207
Krishnagiri - 635 001

2.The Government Pleader
High Court, Madras

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