THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2024

CORAM:

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

W.A.No. 1992 of 2024
and
C.M.P.No. 14240 of 2024

K.M.Athaullah ...Appellant

Vs.

T.Adhiram Prasad

1.T.Sundar Ram Prasad

2.B.Takur Prasad

3.Manjunath

4.The Tahsildhar,
Hosur, Krishnagiri District.

5.The District Revenue Officer,
Hosur, Krishnagiri District.

6.N.Ramesh ...Respondents

Prayer: Writ Appeal filed under Clause 15 of the Amended Letters Patent, 1865 against the order dated 05.03.2019 made in W.P.No.4268 of 2011.

For Appellant : Mr.R.Bharath Kumar

For Respondents : Ms.R.Poornima for R1 to R3

Mr.A.Selvendran

Special Government Pleader for R4 & R5

JUDGMENT

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

It is evident that there has been a complete suppression of facts before the Writ Court by the respondents 1 to 3. The dispute relates to grant of patta. The Tahsildhar, Hosur / 4th respondent in the Writ Appeal passed an order dated 12.07.2007, recommending inclusion of the name of the Vendor of the appellant, N.Ramesh who was shown as 3rd respondent in the Writ Petition as a joint Pattadhar.

2. The said recommendation of the Tahsildhar, Hosur was accepted by the District Revenue Officer, Krishnagiri and an order came to be passed on 09.10.2007 including the name of the predecessor interest of the petitioner, N.Ramesh as a joint Pattadhar. This order was subject to challenge in W.P.No. 4268 of 2011 wherein, Ramesh was made a 3rd respondent. Even during the pendency of proceedings before the Revenue Authorities, it

transpires, that Ramesh had sold the property to one Sakkamma on 25.04.2007 and she in turn sold the property to one Muni Reddy on 06.12.2007, the appellant has purchased the property from Muni Reddy on 24.07.2015.

3. It is also seen from the records that the respondents 1 to 3 herein as plaintiffs have filed a suit in O.S.No.378 of 2007 seeking a declaration of their title to the property and for a permanent injunction. In the said suit, apart from impleading the said Ramesh, the plaintiffs in the suit had also impleaded Sakkamma, the purchaser on 25.04.2007. However, when they filed a Writ Petition against the order granting transfer of Patta in the name of Ramesh, the respondents 1 to 3 did not chose to implead Sakkamma in the Writ Petition. The 3rd respondent herein, Ramesh having sold the property remained absent. The learned single Judge was made to believe that the petitioners in the Writ Petition (respondents 1 to 3 herein) were not given any opportunity before the Authorities.

4. A recommendation of the Tahsildhar dated 12.07.2007 shows that the petitioners in the Writ Petition were heard by him. What was done by the District Revenue Officer is only to accept the recommendation therefore,

the claim that the petitioners in the Writ Petition (Respondents 1 to 3 herein) were not heard by the Authorities before passing of the orders impugned in the Writ Petition seems to be clearly erroneous. A title dispute is already pending. While the appellant claims under one Radha Bai, the respondents claim under one Durga Prasad, son of Radha Bai. Therefore, there is a subsisting title dispute. The Revenue Authorities cannot be allowed to meddle with the title by passing orders relating to transfer of Patta when a serious title dispute is pending before a Civil Court.

5. However, since the learned Judge has allowed the Writ Petition on the premise that the respondents 1 to 3 were not given an opportunity before the Revenue Authorities, it has become necessary for us to set aside the orders of the learned single Judge accordingly, the Writ Appeal will stand **allowed**. The order made in W.P.No.4268 of 2011 is set aside, the Revenue records are restored to the position as they were after the order of the District Revenue Officer, Krishnagiri dated 09.10.2007. No costs. Consequently, connected miscellaneous petition is closed.

6. It is made clear that the entries in the revenue records will be treated only as entries in the revenue records for the purpose of collection of

tax and they will not invest title in any of the parties in the proceedings. The decision of the Civil Court regarding title will be final. The Civil Court will not be influenced by any of the observations made by the order in the Writ Petition or in this order passed by us. No costs

(R.S.M., J.) **(R.S.V., J.)**
11.07.2024

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Internet:Yes
Index: No
Speaking
Neutral Citation : No

R.SUBRAMANIAN, J.
and
R.SAKTHIVEL, J.

KKN

To:-

1.The Tahsildhar,
Hosur, Krishnagiri District.

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

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and
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