



WEB COPY

WA NO. 238 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **30-01-2025**

CORAM

THE HONOURABLE MR JUSTICE S. S. SUNDAR

AND

THE HONOURABLE MR.JUSTICE P. DHANABAL

WA NO. 238 of 2025

and CMP.No.1679 of 2025

1. The District Collector
Krishnagiri District, Krishnagiri-635115

2. The District Revenue Officer,
O/o The District Collector,
Krishnagiri.

3.The Revenue Divisional Officer,
Hosur, Krishnagiri District.

4.The Tahsildar,
O/o.The Tahsildar,
Krishnagiri.

..Appellants

Vs

Kannammal

Respondent

Prayer : Writ Appeal is filed under Clause 15 of Letters Patent to set aside the order dated 13.11.2024 made in W.P.No. 32909 of 2024 .

For Appellant: Mr.A.Selvendran, Spl.GP
For Respondent(s):



JUDGMENT

(Order of the Court was made by the Hon'ble S.S.Sundar J.)

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This writ appeal is directed against the order of the learned Single Judge dated 13.11.2024 in W.P.No. 32907 of 2024, allowing the writ petition filed by the respondent, praying for writ of mandamus, directing the Tahsildar , Krishnagiri to issue Patta in the name of the respondent in respect of property measuring 68 cents in Survey No. 87/9, an extent of 68 cents in survey no. 87/12, an extent of 1.27 Acres in survey no. 88/4 and an extent of 10 cents in survey no.91/5 in Kandapanayanampalli Taluk, Krishnagiri District.

2. It is the case of writ petitioner that the subject property was assigned to the petitioner on 14.08.1980. and an assignment patta was also issue by the Special Tahsildar in favour of the writ petitioner/respondent herein. It is further contended that the revenue records were also mutated in favour of writ petitioner pursuant to the assignment. However, the 3rd respondent had issued a notice in the year 1983, requiring he petitioneer to show cause as to why the assignment should not be cancelled on the ground that the writ petitioner was not in possession and enjoyment of the subject property. It is also contended that the writ petitioner submitted a detailed representation in response to the show cause notice, and thereafter, no further proceedings were initiated by the authorities.



3. In the year 1984, the writ petitioner received a notice issued under Section 6 of Land Encroachment Act from the Tahsildar/4th respondent. The writ petitioner filed a suit in O.S.No. 214 of 1984, seeking a declaration that the eviction notice issued by the 4th respondent dated 02.05.1984 is null and void and for consequential permanent injunction restraining the official defendants from interfering with her peaceful possession and enjoyment of the suit property. The said suit was decreed exparte on 21.12.1997. Though an appeal was filed by the revenue authorities in A.S.No. 107/1985 before the I Additional District Judge, Krishnagiri, the said appeal was also dismissed on 21.11.1997. Thereafter no further appeal was filed by the authorities who are defendant in the suit.

4. When the writ petitioner made representation for the issuance of patta in her name, which was cancelled in the meanwhile, her representation was not considered. Hence the writ petitioner has filed the writ petition. The learned Single Judge, based on the decree granting an injunction against the appellants, recorded the fact that the judgment and decree of the civil court had become final and binding on the appellants and allowed the writ petition, directing the authorities to issue patta to the petitioner. The order is under challenge in this appeal.

5. For the first time, the appellants have raised a new ground that the suit



the same is vested with the Commissioner of Evacuee property who is the custodian

is further contended that State Government has no powers to decide and pass orders in respect of evacuee property. Since the writ petitioner has not impleaded the

Commissioner of Evacuee Property, Bombay, The Union Government or the Commissioner of Land Administration in the previous suit, it is contended that the decree is null and void.

6. No documents or materials have been produced before this court to establish that the properties in question are evacuee properties vested with the Commissioner of Evacuee Property. As far as the suit is concerned, the basic facts are not in dispute. The land was assigned to the writ petitioner in the year 1980 and based on the assignment, the revenue patta was also issued. The revenue officials have treated the said property as poramboke land and dealt with the land as permissible under the Revenue Standing Orders, particularly RSO 15. After a lapse of 40 years, the appellants are now disputing the character of the suit properties and claim that the decree is invalid. Even if the submissions are true, as far as the appellants are concerned, they are bound by the civil court decree. In case the property vests with the Central Government and Commissioner of Evacuee Property, it is open to them to seek declaration that the judgment and decree in the suit filed by the writ petitioner is void as against them.



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7. The appellant has now produced a communication addressed by the District Collector to the Commissioner of Evacuee Property with request to furnish the details of Evacuee properties. This Court finds no error or irregularity in the order of the learned Single Judge which is purely based on the civil court's decree. Even though the proceedings initiated under the Land Encroachment Act cannot be challenged in the suit, the civil court is always competent to grant a decree for permanent injunction restraining official respondents from interfering with the possession and peaceful enjoyment of the suit property.

8. In such circumstances, this Court finds no merit in the contention of the appellant that the civil court lacks jurisdiction by virtue of specific bar under Section 14 of the Land Encroachment Act. Accordingly, the writ appeal is dismissed. No costs. Consequently, connected miscellaneous Petitions are closed.

(S.S.SUNDAR J.) (P.DHANABAL J.)
30-01-2025

Index: Yes/No
Internet : Yes
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