



Writ Petition No.10254 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.10254 of 2023

and

W.M.P.No.10250 of 2023

Narayanappa
S/o. Late. Pillanaboyan, Madiwalam
Village, Nallur post, Hosur Taluk,
Krishnagiri District.

Petitioner

Vs

1. The District Collector
Krishnagiri District, Krishnagiri.

2.The District Revenue Officer
Krishnagiri District, Krishnagiri.

3.The Tahsildar,
Taluk Office, Denkanikottai Taluk,
Krishnangiri District.

4.MUNIYAMMAL
W/o. Late. Venkatappaboyee, Door
No. 4/495 , Bagalur Village And
Post, Hosur Taluk,
Krishnagiri District.

Respondent(s)



Writ Petition No.10254 of 2023

Prayer:

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent relating to proceedings bearing ref. No.Mu.Mu.31419/2021/J2 dated 1.12.2021, quash the same and consequently, direct the 2nd respondent to implement the orders of this Honble Court dated 02.06.2020 passed in WP Nos.17454 and 16277 of 2017 and direct the 2nd respondent to restore the patta as it stood prior to the order of the 3rd respondent.

For Petitioner : Mr.R.Eswaran

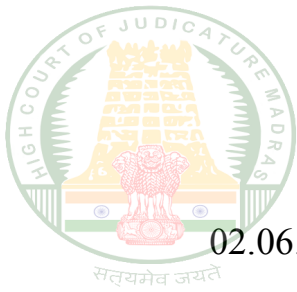
For Respondents : Mr.A.Selvendran
Special Government Pleader
for R1 to R3
R4 - Batta not filed

ORDER

This writ petition has been filed challenging the impugned proceedings of the first respondent dated 01.12.2021 and for a consequential direction to the second respondent to implement the order dated 02.06.2020 passed by this Court in W.P.No.17454 and 16277 of 2017 and direct the second respondent to restore the patta to its original position prior to the order passed by the third respondent.

2. Heard Mr.R.Eswaran, learned counsel for writ petitioner and Mr.A.Selvendran, learned Special Government Pleader for R1 to R3.

3. The petitioner had earlier approached this Court and filed W.P.No.17454 of 2017. The said writ petition was taken up along with W.P.No.16277 of 2017. The order passed in that writ petition dated



Writ Petition No.10254 of 2023

02.06.2020 deals with the dispute between the parties and for proper

WEB COPY appreciation, it is extracted hereunder:

2. Both these writ petitions have been filed challenging the order passed by the District Revenue Officer, Krishnagiri District dated 27.03.2017 cancelling the joint

patta granted in favour of the petitioners and others; restore the patta in Patta Nos.126, 427, 661, 554, 116, 799, 316 and to direct the 1st respondent to conduct an enquiry afresh and pass orders in accordance with law after affording opportunity to all the parties concerned within the time to be stipulated by this Court.

3. It may not be necessary for this Court to go into the factual aspects as it would be an exercise which normally not to be done in writ proceedings, namely, adjudicating into the title to an immovable property. The issue in this case does not stand resolved because, already the parties are before the Civil Court in O.S.No.263 of 2014. The said suit has been filed before the Sub-Court, Hosur for partition, in which, the 5th respondent in W.P.No.16277 of 2017 is the first plaintiff; the 4th respondent / Muniyamma in W.P.No.16277 of 2017 is the first defendant; the writ petitioner in W.P.No.16277 of 2017 / Lakshmappa is the fourth plaintiff; the writ petitioner in W.P.No.17454 of 2017 / Narayanappa is the 7th plaintiff and the 4th respondent in W.P.No.17454 of 2017 / Muniyamma is the first defendant. The suit is for partition to divide the properties by metes and bounds.

4. Written statement has been filed in the said suit which according to the learned counsel for the respondents, fully would support the case of the writ petitioners. It is further submitted that the suit is posted for trial on 03.06.2019. One important factor which has to be taken note of is that, the impugned order has been passed without issuing notice to the writ petitioner in W.P.No.16277 of 2017 / Lakshmappa and without adequate opportunity to the writ petitioner in W.P.No.17454 of 2017 / Narayanappa. That apart, the impugned order has been passed when the suit was pending (O.S.No.263 of 2014), that too at the instance of the contesting respondents in these writ petitions. Therefore, the District Revenue Officer, Krishnagiri ought not to have entertained the request made for cancellation of the joint patta, when the parties are before the Civil Court.

5. Therefore, in the considered view of this Court, the impugned order in both the writ petitions cannot be relied on by the private respondents in these writ petitions as they are required to substantiate their case before the Civil Court, based on the oral and documentary evidence. Further, it is stated that O.S.No.22 of 2006, a suit for bare injunction is also pending. Thus, the parties have gone before the Civil Court and they are bound to agitate their claims before the Civil Court and the remedy chosen by the private respondents in these writ petitions by approaching the District Revenue Officer, Krishnagiri is a procedure which should not have been done and it has to be deprecated.

6. For all the above reasons, the writ petitions are disposed of with the observations that the parties to the



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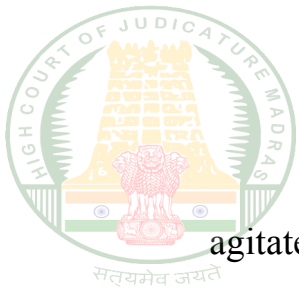
Writ Petition No.10254 of 2023

Civil Suit shall not in any manner refer to the impugned order in these writ petitions and they have to independently agitate their claims before the Civil Court by letting oral and documentary evidence. Likewise, the Civil Court in this matter shall not in any manner refer to any of the observations made (in) the impugned order and decide the issue based on oral as well as documentary evidence and the law that may be placed for consideration of the Court. No costs. Consequently, connected miscellaneous petitions are closed.

4. Pursuant to the above order, the petitioner approached the first respondent and sought for transfer of patta and the first respondent through impugned proceedings dated 01.12.2021 rejected the claim made by the petitioner. Aggrieved by the same, the present writ petition has been filed.

5. In the considered view of this Court, the petitioner even in the earlier writ petition had sought for restoration of patta in his name with respect to the subject property. However, this Court, after dealing with the claim made by the petitioner, made it clear that the parties will agitate the dispute before the Civil Court and the order passed by the District Revenue Officer, Krishnagiri will not have any bearing in the case and the Civil Court will decide the case on its own merits and in accordance with law.

6. When the petitioner submitted the application before the first respondent, the first respondent has rightly relied upon the observation made in the earlier order at paragraph No.6 and directed the parties to



Writ Petition No.10254 of 2023

agitate the dispute before the Civil Court and based on the final judgment, to approach the revenue authorities. The first respondent was perfectly right in rejecting the claim made by the petitioner since the petitioner had already sought for such a relief in the earlier writ petition which was not granted by this Court. Therefore, when the civil suit is pending, there is no question of directing the respondents to restore the patta to its original position through a subsequent writ petition. The protection that was granted by this Court in the earlier order to the extent that the order passed by the District Revenue Officer will not have any bearing in the pending civil suit, sufficiently takes care of the grievance expressed by the petitioner.

In the result, this Writ Petition stands dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

09.04.2025

Neutral Citation: Yes/No

Index: Yes/no

Speaking Order/Non-Speaking Order

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To

1. The District Collector
Krishnagiri District, Krishnagiri.
2. The District Revenue Officer
Krishnagiri District, Krishnagiri.
3. The Tahsildar,
Taluk Office, Denkanikottai Taluk,
Krishnangiri District.



Writ Petition No.10254 of 2023

N.ANAND VENKATESH, J

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Writ Petition No.10254 of 2023

09.04.2025