IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.02.2025

CORAM

THE HONOURABLE MR.JUSTICE **N. ANAND VENKATESH**

W.P.No.32754 of 2024
and
W.M.P.No.35593 of 2024

V. Arivananantham ... Petitioner

Vs.

1.The Sub-Collector,
Office of the District Collector of Krishnagiri,
Krishnagiri – 635 115.

2.The District Revenue Officer,
Office of the District Collector of Krishnagiri,
Krishnagiri – 635 115.

3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Hosur – Krishnagiri District.

4.The Tahsildar,
Office of the Tahsildar,
Hosur Taluk, Krishnagiri District.

5.V.Dayalan ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus, calling for the records of the respondent No.1 passed in his proceeding No.Pa.Mu.849/2024/P3 dated 21.08.2024 and quash the same and consequently restore the patta issued to the petitioner.

For Petitioner	: Mr.S.Senthilnathan
For RR-1 to 4	: Mr.M.R.Gokul Krishnan Additional Government Pleader
For R5	: No appearance

ORDER

This writ petition has been filed challenging the impugned proceedings of the first respondent dated 21.08.2024 and for a consequential direction to restore the patta in favour of the petitioner.

2. Heard Mr.S.Senthilnathan, learned counsel appearing on behalf of the petitioner and Mr.M.R.Gokul Krishnan, learned Additional Government Pleader appearing on behalf of respondents 1 to 4.

3. The case of the petitioner is that he purchased the subject property measuring 60 cents. Patta also stood in the name of the petitioner in Patta No.5154. While so, steps were taken by the fifth respondent to cancel the patta. In the meantime, two suits were filed. One suit in O.S.No.281 of 2006, which was filed by one of the vendor of the fifth respondent, namely, Ramaswamy Reddy against two persons seeking for the relief of declaration of title and permanent injunction. Similarly, the vendor of the fifth respondent also filed a suit in O.S.No.68 of 2008 as against the fifth respondent. Both the suits are pending before the competent Civil Court.

4. In the above circumstances, the first respondent through proceedings dated 21.08.2024 was pleased to cancel the earlier proceedings and the patta was restored in the name of the fifth respondent and his vendor. This was done inspite of knowing that there is a Civil Suit pending before the Competent Civil Court.

5. In the considered view of this Court, the first respondent ought not to have enquired the matter and he should have directed the parties to agitate their rights before the Civil Court. However, the first respondent went ahead and decided the rights of the parties, after making a specific observation that such an order is passed inspite of the pendency of the suit.

6. This Court is inclined to take into consideration the *inter se* rights of the petitioner and the fifth respondent and strike a balance. In view of the same, the proceedings of the first respondent dated 21.08.2024 shall be kept in abeyance. If ultimately, the fifth respondent succeeds in the pending suit, the proceedings dated 21.08.2024 shall stand confirmed. If he loses, the proceedings dated 21.08.2024 shall stand cancelled.

7. This Writ Petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

13.02.2025

Index :Yes/No
Internet:Yes/No
Speaking/Non speaking order
rsi

To

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N. ANAND VENKATESH, J.

rsi

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