

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.6834/2015

Y.Venkatasamy

... .Petitioner

Versus

1.The Revenue Divisional Officer,
Krishnagiri District.

2.The Tahsildar
Hosur, Krishnagiri District.

... .Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 2nd respondent to consider the petitioner representation dated 19.08.2014.

For Petitioner : M/s.Karan and Uday
For Respondents : Mr.S.Gunasekaran, GA

ORDER

Heard M/s.Karan and Uday, learned counsel appearing for the petitioner ; and Mr.S.Gunasekaran, learned Government Advocate accepting notice for the respondents and with their consent, the writ petition is disposed of at the admission stage itself.

2.The petitioner seeks for a direction upon the 1st respondent to cancel the patta granted in favour of certain third parties and grant separate patta in his name. The petitioner would rely upon the Survey Report submitted by the Zonal Deputy Tahsildar, Oothanahalli, dated 19.02.2014. Learned counsel referred to the recommendations made by the Zonal Deputy Tahsildar in the said report and submitted that the Tahsildar has recommended for cancellation of the patta granted in favour of Chinnathayamma and to grant patta in favour of Guntappa and Ellappa. It is submitted that Guntappa is the petitioner's father's brother and Ellappa is the petitioner's father. Learned counsel also referred to the Legal Heirship Certificate dated 16.11.2013 issued by the Tahsildar, Hosur, to show that the petitioner is the son of [late] Ellappa.

3.Though all these averments and submissions have been made

before this Court, those persons, viz., Chinnathayamma, Smt.Venkatalakshmi, D/o.Chinnathayamma and other legal heirs of Ellappa and the petitioner's father's brother Guntappa, are not made as parties in this writ petition. Therefore, no positive direction as sought for by the petitioner, can be granted. However, it is noted that already recommendation has been made by the Zonal Deputy Tahsildar, Oothanahalli, by his report dated 19.02.2014. The petitioner has also give a representation to the 1st respondent.

4.In the light of the above, there will be a direction to the 1st respondent to consider the representation of the petitioner dated 19.08.2014, issue notice to the petitioner and to all other persons in whose names patta stand as on date, hear the parties in person and thereafter, pass orders on merits and in accordance with law within a period of four months from the date of receipt of a copy of this order.

5.The writ petition is disposed of with the above direction. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

AP

To

1.The Revenue Divisional Officer,
Krishnagiri District.

2.The Tahsildar
Hosur, Krishnagiri District.

+1 CC TO MR.KARAN & UDAY ADVOCATE SR NO.14114

+1 CC TO GOVERNMENT PLEADER SR NO.13915.

WEB COPY

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RV[CO]

RD 20/03/2015