

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.10988 of 2016

Munivenkatappa

.. Petitioner

Vs.

1. The District Revenue Officer, Krishnagiri District.

2. The Sub-Collector, Hosur, Krishnagiri District.

3. The Tahsildar, Taluk Office- Hosur, Hosur.

4. R.Krishnan

5. R.Chinnappa

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the first respondent to consider the petitioner's representation, dated 04.07.2011 for cancellation of UDR patta No.689 pursuant to the proceedings of the first respondent issued in Na.Ka.19383/2011/J2, dated 07.2011 in respect of the lands to an extent of 2.96 acres comprised in Survey No.1198 of Kamandoddi Village, Hosur Taluk, Krishnagiri District and issue patta to the petitioner within the time to be stipulated by this Court.

For Petitioner

: Mr.R.Bharath Kumar

For Respondents

: Mr.M.Dig Vijay Pandian,

Addl.G.P. for RR-1 to 3

WEB COPY
ORDER

The petitioner has prayed for issuance of a Writ of Mandamus to direct the first respondent to consider the petitioner's representation, dated 04.07.2011 for cancellation of UDR patta No.689 pursuant to the proceedings of the first respondent issued in Na.Ka.19383/2011/J2, dated 07.2011 in respect of the lands to an extent of 2.96 acres comprised in Survey No.1198 of Kamandoddi Village, Hosur Taluk, Krishnagiri

District and issue patta to the petitioner within the time to be stipulated by this Court.

2. It is the case of the petitioner that the above said property and also 2.62 acres comprised in Survey No.1164 covered by patta No.180 of Kamandoddi Village, Hosur Taluk, Krishnagiri District, originally belonged to the petitioner's grandfather Appajikhan @ Munivenkatikhan, who purchased the same under sale deed, dated 28.02.1928, registered in Document No.386/1928 in the office of the Sub-Registrar, Hosur, for valid consideration from one Krishna Iyengar. Eversince the date of purchase, the petitioner's grandfather was in peaceful possession and enjoyment of the land(s) as absolute owner thereof and paying Kist to the concerned authority. After the death of his grandfather, the petitioner's father Chinnappa cultivated the said land(s) and after his father's death, the petitioner and his two brothers, namely Appaji and Abbaiah are cultivating the said land(s) and are in peaceful possession and enjoyment of the same.

3. It is the further case of the petitioner that he approached the third respondent for computerised patta with a view to develop the land by availing agricultural loan. The petitioner found that the land of an extent of 2.96 acres in Survey No.1198 of Kamandoddi Village, was wrongly entered in the name of one late Munikhan, the grandfather of respondents 4 and 5 during Updating Revenue Scheme (UDR) and patta No.689 has been issued in his favour. Subsequently, the petitioner sent a representation, dated 04.07.2011 to the first respondent, who is the authority to rectify the error crept in, in the UDR, requesting him to cancel the UDR patta No.689 issued in favour of the said late Munikhan and for issuance of computerised patta. In pursuant to the said representation, the first respondent, by proceedings in Na.Ka.19383/2011/J2, dated 07.2011, forwarded the said representation to the third respondent for conducting enquiry and report through the second respondent. But, the third respondent did not conduct any enquiry. Since 2011, there was no progress. From the information furnished under RTI Act in proceedings in O.Mu.18873/2015/J2, dated 29.07.2014 issued by the Public Information Officer of the District Collectorate, Krishnagiri, it is seen that the enquiry and report are still pending. Though, in the Panchayat, on the advise of well-wishers, the respondents 4 and 5 agreed to give up their false claim, they have not taken any steps have been taken to surrender the patta wrongly issued during UDR scheme. Since the petitioner could not develop the land(s) by availing the agricultural loan from Nationalised Bank and since the said representation, dated 04.07.2011 is still pending, the petitioner has filed this Writ Petition for the above relief.

4. Heard both sides. In view of the order that is going to be passed, it is not necessary to give notice to the fourth and fifth respondents.

5. Considering the above facts and circumstances of the case and without going into the merits or otherwise of the case, this Court directs the respondents 1 to 3 (to act in coordination with each other) to consider the said representation of the petitioner, dated 04.07.2011, conduct enquiry and give an opportunity of personal hearing to the petitioner and other necessary parties, including the fourth and fifth respondents herein and thereafter pass appropriate orders and dispose of the said representation, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner and it is for the respondents 1 to 3 to decide the same.

6. With the above observations and directions, the Writ Petition is disposed of. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

cs

Copy to

1. The District Revenue Officer, Krishnagiri District.
2. The Sub-Collector, Hosur, Krishnagiri District.
3. The Tahsildar, Taluk Office- Hosur, Hosur.

+1 cc to the Government pleader sr.19006
+1 cc to Mr.R.Bharath Kumar Advocate sr.19027

W.P.No.10988 of 2016

aa20/04/2016