

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.12434 of 2016

Venkatasamy

... Petitioner

Vs.

1. The District Collector
Krishnagiri District
District Collectorate Office
Krishnagiri-635 001.
2. The District Revenue Officer
Krishnagiri District Revenue
District Collectorate Office
Krishnagiri-635 001.
3. The Tahsildar
Denkanikottai Taluk
Denkanikottai Taluk Office
Krishnagiri-635 107.
4. The Village Administrative Officer
Karukondapalli Village
Bairamangalam Post
Denkanikottai Taluk
Krishnagiri-635 113.

5. Gopal

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the 2nd Respondent to consider the Revision Petition of the petitioner dated 23.02.2016 under Section 13 of the Tamil Nadu Patta Pass Book Act, 1983 setting aside the proceedings of the 3rd Respondent in T.K. 8A/218/1412 dated 06.03.2003 and in T.K. 8A/150/1416 dated 15.12.2006 subdividing, transferring and issuing Patta No. 1574 and Patta No.1643 in favour of 5th Respondent in respect of the Agricultural land of the petitioner in Patta No.606 admeasuring 2.06.0 Hectare (5.09 Acre) in Survey No.1074/2, Bairamangalam Village, Denkanikottai Taluk and to dispose of the said Revision Petition within a time to be fixed by this Honble Court.

For Petitioner : Ms.L.Sasireka
For Respondents : Mr.V.Jayaprakash Narayanan
RR1 to 4 Special Government Pleader

O R D E R

The prayer in the writ petition is for issuance of a Writ of Mandamus, directing the 2nd Respondent to consider and dispose of the Revision Petition filed by the petitioner dated 23.02.2016 under Section 13 of the Tamil Nadu Patta Pass Book Act, 1983 by setting aside the proceedings of the 3rd Respondent in T.K. 8A/218/1412 dated 06.03.2003 and in T.K. 8A/150/1416 dated 15.12.2006 subdividing, transferring and issuing Patta No. 1574 and Patta No.1643 in favour of 5th Respondent in respect of the Agricultural land of the petitioner in Patta No.606 admeasuring 2.06.0 Hectare (5.09 Acre) in Survey No.1074/2, Bairamangalam Village, Denkanikottai Taluk.

(2.1) The case of the petitioner is that he is the owner of the agricultural land, admeasuring 2.06.0 Hectare (5.09 Acre) comprised in Survey No.1074/2, Bairamangalam Village, Denkanikottai Taluk, Krishnagiri District. He is a peasant and cultivating crops in the said land.

(2.2) Originally, the petitioner's grandfather, viz., Puttappa was doing agriculture in the said land, pursuant to the registration of Sale Deed dated 20.5.1958. The Special Tahsildar, Land Administrative Register Development Scheme issued Patta No.606 dated 14.6.1985 in favour of the petitioner's grandfather in respect of the entire agricultural land owned by him. The petitioner's grandfather paid Kist in Patta NO.606 during his life time and thereafter his only son, namely, the father of the petitioner, paid Kist in Patta No.606 for cultivation in the said agricultural land.

(2.3) The petitioner obtained a communication dated 18.11.2013 under the Right to Information Act, stating that the third respondent has passed orders in the proceedings of T.K.8a/218/1412, dated 6.3.2003 and 8A/150/1416 dated 15.12.2006, by subdividing his agricultural land in Patta No.606 and transferring the said subdivision of the agricultural land to the fifth respondent and issuing Patta No.1574 and Patta No.164, in favour of the fifth respondent.

(2.4) The petitioner has made several representations to respondents 1 to 4 about the fraudulent act of the fifth

respondent with regard to transfer of pattas, which were issued without the knowledge and consent of the the petitioner. The petitioner finally filed a revision petition dated 23.2.2016, before the second respondent, for setting aside the orders of the third respondent, granting pattas in favour of the fifth respondent, in respect of the agricultural land in question. Since no action is taken on the said revision petition, the petitioner is constrained to approach this Court with the relief mentioned above.

(3) Heard the learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader.

(4) Since the said revision petition is pending with the second respondent and no action was taken on the same and in view of the order that is going to be passed in the present writ petition, this Court is of the view that there is no need for issuing notice to the fifth respondent.

(5) In view of the limited scope of the prayer sought for by the petitioner and considering the submissions made on either side, this Court directs the second respondent to consider the revision petition preferred by the petitioner dated 23.2.2016 by affording an opportunity of personal hearing to the petitioner as well as the fifth respondent, and pass appropriate orders, 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 with regard to the claim projected in the petition and it is for the second respondent to consider the same strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ajr

To

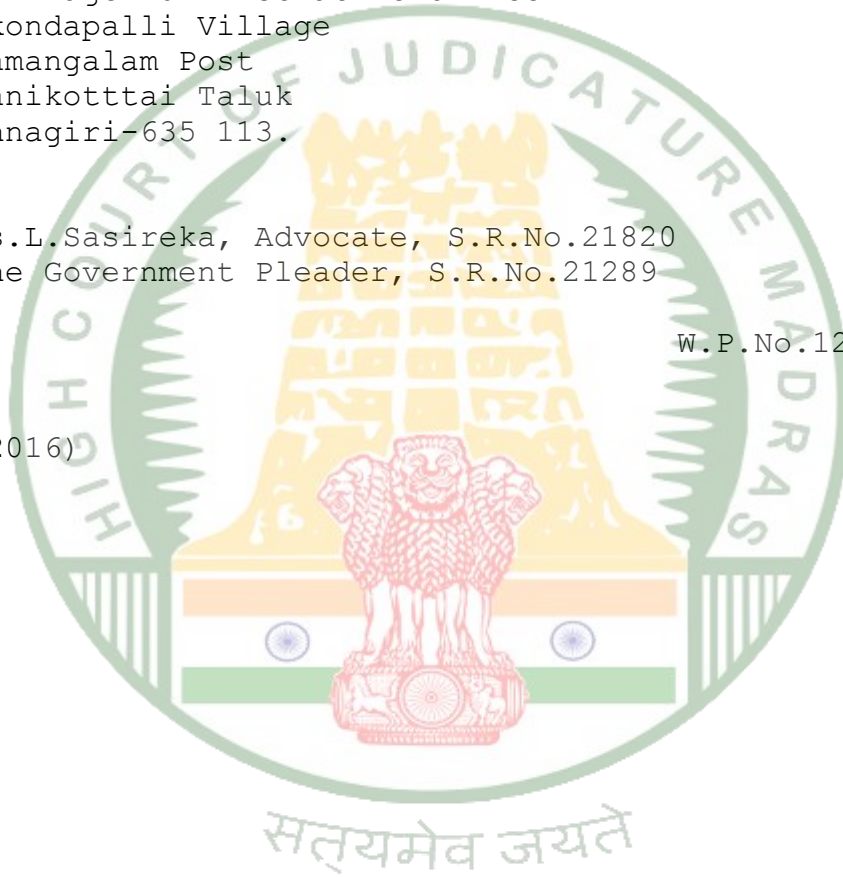
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+1cc to Ms.L.Sasireka, Advocate, S.R.No.21820
+1cc to the Government Pleader, S.R.No.21289

W.P.No.12434 of 2016

PVS (CO)
CA(25/04/2016)



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