

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.2096 of 2014

Venkatraman

.. Petitioner

Vs.

1. State of Tamil Nadu, rep. by
The Revenue Secretary,
Fort St.George, Chennai-600 009.
2. The Collector, Krishnagiri District.
3. The Thasildar, Hosur Taluk.
4. Venkatesappa .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to dispose of the representation given by the petitioner, dated 11.12.2013, to cancel patta in the name of the fourth respondent, thereby directing the authorities concerned to fasten the process and issue patta for 0.19 cents situated at Kattinayakandhodi, Hosur Circle, Hosur, comprised in S.No.31/4, which is petitioner's ancestral property, in petitioner's favour.

For Petitioner : Mr.P.Subba Reddy
For Respondents : Mr.V.Jayaprakash Narayanan,
Spl.G.P. for RR-1 to 3
No appearance for R-4

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents to dispose of the representation given by the petitioner, dated 11.12.2013, to cancel patta in the name of the fourth respondent, thereby directing the authorities concerned to fasten the process and issue patta for 0.19 cents situated at Kattinayakandhodi, Hosur Circle, Hosur, comprised in S.No.31/4, which is petitioner's ancestral property, in petitioner's favour.

2. It is averred by the petitioner in the affidavit filed in support of the Writ Petition that he is the owner of the above said property, which he acquired from his ancestors. In 1988, one Mr.Venkatesappa, son of Andiappa, purchased nearby lands of 1 acre 2 cents, comprised in the same Survey No.31/4 from Mr.Venkatappa, son of Chinna Venkatappa, with a mistake in the sale deed registered as Doc.No.3060 of 1988, wrongly mentioning the extent as acres 1.21 cents, instead of the correct measurement of acres 1.02 cents. It is further stated by the petitioner that the said Mr.Venkatappa, son of Chinna Venkatappa, actually purchased the extent of acres 1.02 comprised in Survey No.31/4 by registered sale deed in the year 1974, where the extent is mentioned as acre 1.02. Based on the error in the sale deed, patta has been wrongly granted to Mr.Venkatesappa, son of Andiappa, for the land of an extent of acres 1.21 cents, instead of the correct measurement of acres 1.02 cents. The patta so issued includes an extent of 0.19 cents, which is the petitioner's land. There have been representations made to the Tahsildar, Hosur Taluk, who by letter in Na.Ka.No.14048/2012/C2, dated 22.02.2013, ordered for enquiry by asking all the parties concerned to attend the enquiry on 07.03.2013. It is further stated by the petitioner that the parties who appeared for the enquiry reported that the land in Survey No.31/4 of an extent of acre 0.19 cents belonged to the petitioner and they do not have any objection for issuance of patta in favour of the petitioner for 0.19 cents. In spite of notice dated 28.05.2013 issued by the petitioner's counsel to the Tahsildar, Hosur Taluk and a reminder dated 05.07.2013, no action has been taken to issue patta for the extent of land owned by the petitioner. The petitioner also made a written representation, dated 11.12.2013 to the respondents for the above relief. Since no action is taken, the petitioner has filed this Writ Petition for the above relief.

3. The third respondent has filed counter affidavit on his behalf and also on behalf of the respondents 1 and 2, stating that the petitioner made a representation to cancel the patta granted in respect of Survey Number 31/4 (1.21 acres) of Kattinayakanthoti granted in favour of one Venkatappa, son of Andiappa, claiming that 19 cents out of the above said 1.21 acres belong to the petitioner and requested to grant patta in favour of the petitioner in respect of 19 cents in Survey Number 31/4 in the above village. On verification of the documents of the fourth respondent, it is found that he has purchased an extent of 1.02 acres in the above Survey Number 31/4, on 08.04.1974, vide sale deed registered as Document No.1150/1974. During UDR scheme, patta number 175 was wrongly issued in favour of one Venkatappa, son of Chinnavenkatappa to an extent of 1.21 acres. It is further stated in the counter affidavit that currently, patta number 312 was granted to one Venkatesappa, son of Andiappa. When the said Venkatesappa purchased the said

land comprised in Survey No.31/4 under sale deed registered as Document No.3060/1988, dated 09.06.1988 from the said Venkatappa, an extent of 1.21 acres was wrongly conveyed to the fourth respondent. It is further stated in the counter affidavit that the petitioner has not submitted any document to show that the said 19 cents of land comprised in Survey No.31/4 belongs to him and the petitioner is in possession of the said 19 cents in Survey Number 31/4. As the petitioner did not produce any document to prove that the above said land belongs to him, the third respondent recommended to the second respondent, vide Na.Ka.1406/2014/C4, dated 03.02.2014 that the request for patta by the petitioner cannot be entertained. Hence, the respondents prayed for dismissal of the Writ Petition.

4. As per the above averments made in the counter affidavit, the petitioner has not produced any document to show that 19 cents of land in Survey No.31/4 belongs to him. However, in the counter affidavit, it is admitted that the petitioner is in possession of the said 19 cents in Survey No.31/4. In view of the same, this Court directs the petitioner to produce the document to prove his ownership with regard to the above said 19 cents of land, within a period of two weeks from the date of receipt of a copy of this order, along with a copy of this order, and on receipt of the document to be produced by the petitioner, the respondents 1 to 3 are directed to conduct enquiry, give an opportunity of personal hearing to the petitioner and other necessary parties, including the fourth respondent herein and pass appropriate orders, on merits and in accordance with law, within a period of three weeks thereafter, in respect of the above relief of the petitioner.

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

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

CS

TO

1. The Revenue Secretary,
Fort St.George, Chennai-600 009.
2. The Collector, Krishnagiri District.
3. The Thasildar, Hosur Taluk.

+lcc to M/s. P. Subba Reddy, Advocate, S.R.No.19565
+lcc to the Government Pleader, S.R.No.19378

SAI(CO)
EU(05/04/2016)

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