

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.18739/2016

Rajkumar

... Petitioner

Versus

- 1.The District Collector
Krishnagiri District, Krishnagiri.
- 2.The Sub Collector
Hosur, Krishnagiri District.
- 3.The Tahsildar
Soolagiri Taluk, Krishnagiri District.
- 4.The Inspector of Police
Soolagiri Police Station
Krishnagiri District.
- 5.Thirupathi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, to direct the 3rd respondent to measure the land and to issue patta in respect of the petitioner's property comprised in Survey No.4/6A to an extent of 1 acre and 94 ½ cents, 10 ½ cents and 4 cents situate at Devar Guddapalli Village, Sennapalli Post, Hosur Taluk, [presently Soolagiri Taluk] Krishnagiri District based on the petitioner's application dated 01.03.2016.

For Petitioners : Mr.C.Prabhakaran

For Respondents : Mr.R.Govindasamy, Spl.GP

O R D E R

By consent, the writ petition is taken up for final disposal.

2 The petitioner claims that the property comprised in Survey No.4/6A admeasuring to an extent of 1 acre and 94 ½ cents, 10 ½ cents and 4 cents respectively situated at Devar Guddapalli Village, Sennapalli Post, Hosur

Taluk, [presently Soolagiri Taluk] Krishnagiri District, along with other properties, originally belongs to one Thirupathi, S/o.Chennappan, and his family members and a registered Family Partition came into being on 16.03.2005 and the above said properties were allotted to one Thirupathi, Chinnasamy, Chinnaraj, Muniyammal and Parvathy as "A" Schedule property and thereby, they became the absolute owners. The petitioner had purchased a portion of the property by means of a registered Sale Deed dated 16.03.2015 from Thirupathi, Chinnasamy, Chinnaraj, Muniyammal and Parvathy [registered Document No.1116/2015 on the file of the SRO, Soolagiri] and claims to be in possession and enjoyment of the property and the revenue records are also maintained in his favour. It is further stated that on 07.10.2015, the persons, namely, Sivan, son of Thirupathi, and four others came to his land and made an attempt to interfere with his possession and in that process, they damaged the fencing. The petitioner in this regard, has lodged a complaint and since no action was taken, he filed CrI.OP.No.419/2016 on the file of this Court and pursuant to the orders passed by this Court, the 4th respondent has registered a case in Cr.No.199/2016 against one Murugesan and nine others for the commission of the offences u/s.147, 148, 447, 294[b] and 506[ii] and 379 [NP] IPC and section 3 of TNPPDL Act and the case is under investigation. The petitioner also filed a suit in OS.No.153/2015 on the file of the Court of District Munsif, Hosur, praying for declaration and other consequential reliefs. The said suit has been decreed ex-parte on 04.11.2015. The grievance expressed by the petitioner is that on account of the false claim made by the rival claimants, he felt that a patta is required and accordingly, applied for the same vide application dated 01.03.2016 and also paid prescribed fees by means of a challan dated 14.03.2016 to the 3rd respondent and since no orders are passed, the petitioner has approached this Court by filing the present writ petition.

3 Heard the submissions of the learned counsel for the petitioner and Mr.R.Govindasamy, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 to 4.

4 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner in this writ petition, directs the 3rd respondent to dispose of the application dated 01.03.2016 for issuance of patta, on merits and in accordance with law, after putting on notice the 5th respondent and pass orders as expeditiously as possible and not later than ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the 5th

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

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

AP

To

- 1.The District Collector
Krishnagiri District, Krishnagiri.
- 2.The Sub Collector
Hosur, Krishnagiri District.
- 3.The Tahsildar
Soolagiri Taluk, Krishnagiri District.
- 4.The Inspector of Police
Soolagiri Police Station
Krishnagiri District.

1 cc to Government Pleader, sr.29802

1 cc to Mr.C.Prabakaran, Advocate, sr.29946

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