

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.4455 of 2016

Ellappa @ Lingappa

...Petitioner

Vs.

1.The District Revenue Officer,
Krishnagiri District.

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

3.The Tahsildar,
Taluk Office Hosur,
Hosur,
Krishnagiri District.

...Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the respondents 2 and 3 to consider the petitioner's representation dated 31.08.2015 to rectify the mistakes crept in, in the computerized patta and chitta in respect of lands to an extent of 4.24 acres comprised in Survey No.757 of Mookondapalli Village, Hosur Taluk, Krishnagiri District.

For Petitioner : Mr.R.Bharath Kumar

For Respondents : Mr.S.Pattabiraman,
Govt.Advocate.

O R D E R

This Writ Petition has been filed, praying for issuance of a writ of mandamus, to direct the respondents 2 and 3 to consider the petitioner's representation, dated 31.08.2015, to rectify the mistakes crept in, in the computerized patta and

chitta in respect of lands to an extent of 4.24 acres comprised in Survey No.757 of Mookondapalli Village, Hosur Taluk, Krishnagiri District.

2. The petitioner has averred in the affidavit that land measuring an extent of 4.24 acres comprised in Survey No.757 of Mookondapalli Village, Hosur Taluk, Krishnagiri District, originally belonged to his great grandfather, Kullakadu. The said property was mortgaged under a Deed of Mortgage dated 03.04.1950 registered as Document No.697 of 1950 and a Deed of Mortgage dated 01.04.1963, registered as Document No.684 of 1963. Later, the said mortgages have been discharged. After the death of the petitioner's great grandfather, the petitioner's grandfather had been enjoying the said property and after his death, the petitioner's father Chennappa was in peaceful possession and enjoyment of the said land. Suddenly, the petitioner's father died intestate on 06.06.1994, leaving behind the petitioner and his mother, brothers and sister, as the surviving legal heirs to succeed his estate. Thereafter, the revenue records in respect of the lands in S.F.No.757 have also been mutated. They have been issued with computerized patta and chitta in respect of the said land vide Patta No.1756. However, during updating resettlement, the land to an extent of 4.24 acres in Survey No.757 has been wrongly classified as Anadheenam, as is evidenced by the Village 'A' Register extract.

3. The further case of the petitioner is that on coming to know the said erroneous entry and erroneous classification of land, he submitted a representation, dated 19.12.2014, requesting the respondents to rectify the wrong classification of the land and issue patta in his name. The said representation was forwarded to the Tahsildar by proceedings dated 24.12.2014, for necessary enquiry and report, but no action has been taken by the Tahsildar, for conducting enquiry. The petitioner also sent another representation, dated 13.08.2015, to the District Collector, and the same was forwarded to the Tahsildar vide proceedings, dated 21.08.2015, for necessary enquiry and report, and again no action has been taken by the Tahsildar. Thereafter, the petitioner sent one more representation, dated 31.08.2015, to the second respondent, namely, Sub-Collector, Hosur, requesting him to rectify the omission crept in the revenue records and issue computerized patta to him. However, no action has been taken by the second respondent on the said representation till date. Hence, the petitioner has come forward with this Writ Petition.

4. I have heard the learned counsel for the parties.

5. Having heard the submissions made by the learned counsel for the parties, this Court, without going into the merits of the case, directs the second respondent to conduct an

enquiry on the representation of the petitioner, dated 31.08.2015, and pass appropriate orders, after affording an opportunity of personal hearing to the petitioner and also necessary parties, if any, within a period of eight 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 case and the second respondent is directed to consider the said representation purely on merits.

6. Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

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

+1cc to Mr.R.Bharath Kumar, Advocate, S.R.No.7638
+1cc to the Government Pleader, S.R.No.7939

ca (CO)
srg(23/02/2016)

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