

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.9149 of 2016

1. Venkatasamy
 2. Abbaiah
 3. Chinnanna
 4. Ramachandrappa alias Krishnappa
 5. Nagaraj
- ... Petitioners

Vs.

1. The Sub-Collector,
Hosur, Krishnagiri District.
 2. The Tahsildar, Hosur, Krishnagiri District.
 3. Sri.Rangappa
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents 1 and 2, namely the Sub-Collector, Hosur, Krishnagiri District and the Tahsildar, Hosur, Krishnagiri to consider the representation, dated 21.12.2015 sent by the petitioners and take necessary action to cancel and transfer the patta in respect of S.Nos.28, 510, 520 of Sanamavu Village, Hosur Taluk, Krishnagiri District, within a time to be stipulated by this Court.

For petitioners : Mr.V.Nicholas

For respondents: Mr.S.Navaneetham,
Addl.G.P for RR-1 & 2

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents 1 and 2, namely the Sub-Collector, Hosur, Krishnagiri District and the Tahsildar, Hosur, Krishnagiri to consider the representation, dated 21.12.2015 sent by the petitioners and take necessary action to cancel and transfer the patta in respect of S.Nos.28, 510, 520 of Sanamavu Village, Hosur Taluk, Krishnagiri District, within a time to be stipulated by this Court.

2. It is stated by the petitioners in the affidavit filed in support of the Writ Petition that originally, S.Nos.28, 510 and 520 along with S.Nos.522 and 523 of Sanamavu Village, belonged to one Chinnasamy and after his death, his two sons, namely, Ramaiah (father of the petitioners 1 to 3) and Muniappa became the owners of the said lands in the said survey numbers. Patta No.227 in respect of S.No.28 which is an extent of 1.35 acres, patta No.562 in respect of S.No.510 which is an extent of 0.77 acres and patta No.999 in respect of S.No.520 which is an extent of 2.63 acres, stood in the name of the said Ramaiah and the petitioners are not concerned about S.Nos.522 and 523 in patta No.999. It is the further case of the petitioners that the UDR 'A' register in respect of No.129, Sanamavu Village, reveals that the petitioners and five others are the owners of the said survey numbers. It is further stated that under registered sale deed, dated 12.09.2006, one Krishnappa and Jayamma sold an extent of 35 cents in S.No.28/2, an extent of 65-3/4 cents in S.No.520/2 and an extent of 16 cents in S.No.510/2 in favour of the petitioners 4 and 5. Thus, the petitioners are the owners of S.Nos.28, 510 and 520 in Sanamavu Village and they are in possession and enjoyment of the said lands. While so, the third respondent, who has no manner of right, title and interest in the said survey numbers, obtained patta in respect of the above survey numbers in his favour, without the knowledge of the petitioners and without enquiry. Therefore, the petitioners sent a representation, dated 21.12.2015 to the respondents 1 and 2, which was received by them, however, till date, no action has been taken on the said representation. Hence, the petitioners have filed this Writ Petition for the above relief.

3. Heard both sides. In view of the nature of order that is going to be passed by this Court, it is not necessary to issue notice to the third respondent.

4. Taking into consideration the facts and circumstances of the case, this Court directs the respondents 1 and 2 to consider the said representation of the petitioners, dated 21.12.2015, conduct enquiry, give an opportunity of personal hearing to the petitioners and necessary parties, including the third respondent and thereafter pass appropriate orders and dispose of the said representation, on merits and in accordance with law, 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 it is for the respondents 1 and 2 to decide the same.

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

s/d-
Assistant Registrar(CO)

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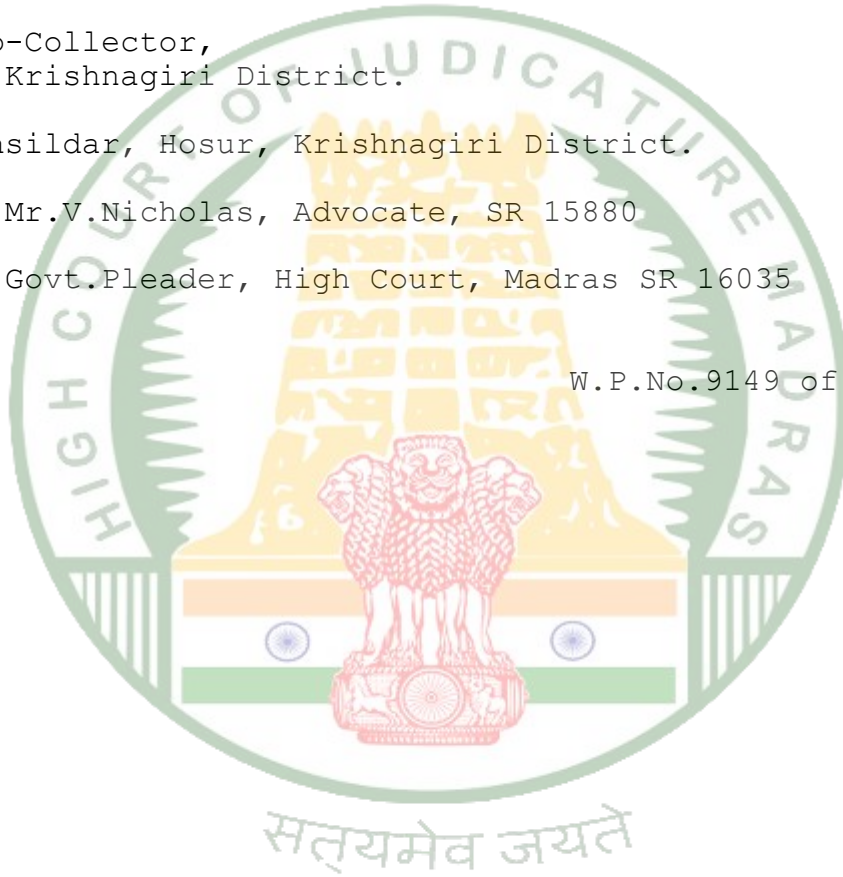
Sub-Assistant Registrar

Copy to

1. The Sub-Collector,
Hosur, Krishnagiri District.
2. The Tahsildar, Hosur, Krishnagiri District.
- + 1 cc to Mr.V.Nicholas, Advocate, SR 15880
- + 1 cc to Govt.Pleader, High Court, Madras SR 16035

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