

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.9989 of 2016

Sankarappa

.. Petitioner

Vs.

1. The Sub-Collector,
Hosur, Krishnagiri District.

2. The Tahsildar,
Denkanikottai Taluk Office,
Denkanikottai, Krishnagiri District.

3. Gowramma

4. Gopalappa

5. Nagaraj

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the first respondent to consider the petitioner's representation, dated 11.11.2013 and pass orders within the time to be stipulated by this Court for issuance of patta in favour of the petitioner pursuant to the enquiry conducted on 18.11.2013 for issuance of patta in respect of the lands to an extent of 2.45 acres comprised in Old Survey No.9, present Survey No.9/2, and 2.23 acres comprised in Old Survey No.8, present Survey No.8/2 of Sathanur Village, Denkanikottai Taluk, Krishnagiri District.

For Petitioner : Mr.R.Bharath Kumar

For Respondents : Mrs.P.Rajalakshmi, Govt. Advocate

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the first respondent to consider the petitioner's representation, dated 11.11.2013 and pass orders within the time to be stipulated by this Court, for issuance of patta in favour of the petitioner, pursuant to the enquiry conducted on 18.11.2013, for issuance of patta in respect of the lands to an extent of 2.45 acres comprised in Old Survey No.9, present Survey No.9/2, and also in respect of the lands to an extent of 2.23 acres comprised in Old Survey No.8, present Survey No.8/2 of Sathanur Village, Denkanikottai Taluk, Krishnagiri District.

2. It is the case of the petitioner that the above said lands originally belonged to his father Kalappa, he having purchased the same under registered sale deed on 18.05.1933; ever since the date of purchase, his father had been in absolute possession and enjoyment of the land(s) by paying tax, etc. The petitioner's father died intestate on 24.07.1977; after his death, the petitioner had been cultivating the land(s). It is the further case of the petitioner that when he wanted to develop the said land(s), he approached the Bank authorities for loan, for which, the Bank personnel instructed him to get computerised patta to prove his ownership and right over the said land(s). The Tahsildar refused to entertain the request of the petitioner, on the ground that the pattas in respect of the above said land(s) in Survey Nos.8/2 and 9/2 were already transferred in favour of the respondents 3 to 5 herein and hence, the petitioner has no authority to cancel the patta.

3. In the above circumstances, the petitioner submitted a representation, dated 11.11.2013 in a public grievance day before the District Collector, for cancellation of the patta issued in favour of the respondents 3 to 5 and for issuance of the computerised patta in his favour. It is stated by the petitioner that his representation was forwarded to the Sub-Collector (first respondent) for necessary action; subsequently, by summons, dated 12.11.2013 issued in the proceedings in Na.Ka.No.4247013 (B4), the first respondent called upon the petitioner to appear for an enquiry, which was to be held on 18.11.2013. The petitioner and respondents 3 to 5 appeared for the enquiry and submitted the relevant documents. The second respondent submitted a report to the first respondent, recommending cancellation of patta, which has been wrongly issued in the name of the respondents 3 to 5 and also recommended for issuance of patta in favour of the petitioner. Thereafter, the first respondent did not pass any order even a lapse of two years. Hence, the petitioner has come forward with this Writ Petition for the above relief.

4. Heard both sides. In view of the order that is going to be passed by this Court, it is not necessary to issue notice to the respondents 3 to 5.

5. Taking into consideration the above facts and circumstances of the case, without going into the merits of the claim of the petitioner, this Court directs the first respondent to consider the said representation, dated 11.11.2013 of the petitioner, conduct enquiry, give an opportunity of hearing to the petitioner and other necessary parties, including the respondents 3 to 5 herein; thereafter, the first respondent is directed to pass appropriate orders, on merits and in accordance with law, by disposing of the said representation within a period of six 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 claim of the petitioner and it is for the first respondent to decide the same.

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

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

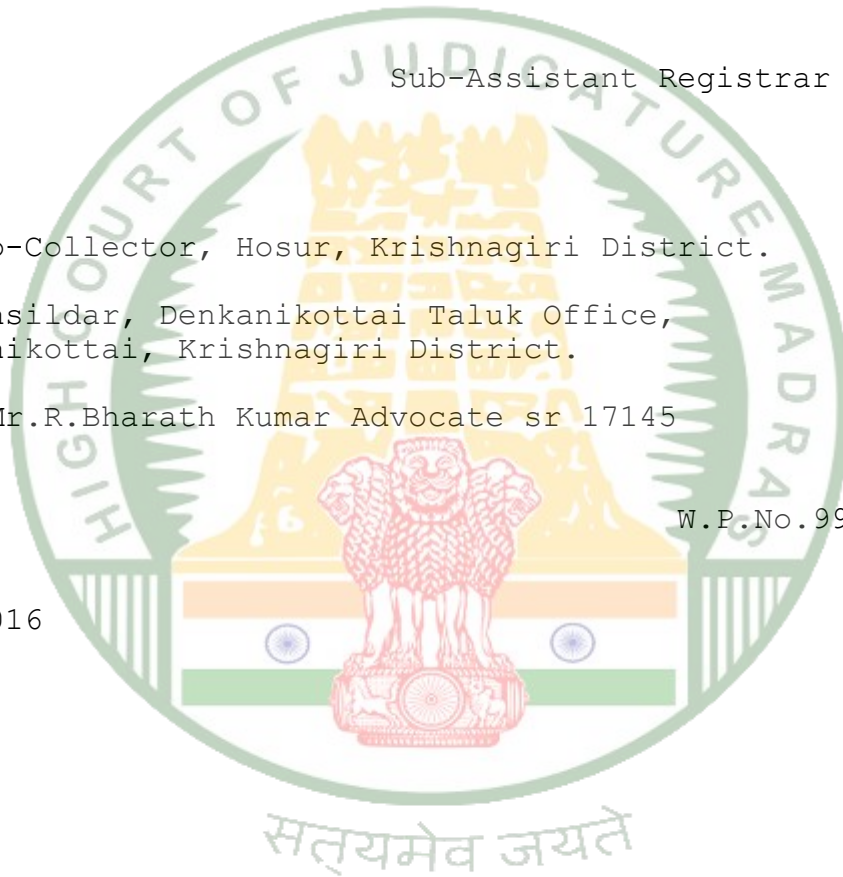
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Copy to

1. The Sub-Collector, Hosur, Krishnagiri District.
2. The Tahsildar, Denkanikottai Taluk Office,
Denkanikottai, Krishnagiri District.

+1 cc to Mr.R.Bharath Kumar Advocate sr 17145

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