

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2018

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.4421 of 2018

Annaiyappa

...Petitioner

..Vs..

1.The District Revenue Officer,
Krishnagiri,
Krishnagiri District.

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

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

4.Krishnappa@ Ramakrishnappa ...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent issued in Pa.Mu.19573/2017/J-2 dated 31.01.2018 and quash the same and consequently direct the first respondent to rectify the errors crept in, in the Revenue records relating to an extent of 0.05.5 Hectare comprised in Survey No.113/4, 0.057.0 Hectares in survey No.114/3, 1.21.5 Hectares in Survey No.504 and 0.82.5 Hectares in Survey No.505 of Sanamavoo Village, Shoolagiri Taluk, Krishnagiri District and issue patta to the petitioner within the time to be stipulated by this Hon'ble Court.

For Petitioner : Mr.R.Bharath Kumar

For Respondents: Mr.N.Inbanathan
Additional Government Pleader
for R1 to R3
: Mr.T.Panchchatsaram
for R4

O R D E R

This Writ Petition has been filed challenging the proceedings of the District Revenue Officer, the first respondent herein, dated 31.01.2018, rejecting the claim of the petitioner to grant patta in his name.

2. It is the case of the petitioner that though he had produced all the necessary documents such as Sale Deed, Revenue Records etc., the first respondent has rejected the same vide order dated 31.01.2018. This Court by order dated 22.06.2018 in W.P.No.15757 of 2017, had passed an order directing the first respondent to consider and pass orders on the representation of the petitioner dated 17.01.2017, within a period of twelve weeks from the date of receipt of a copy of that order. As no action was taken, the petitioner had filed the contempt petition and only after the receipt of the contempt notice, the first respondent had passed an order dated 31.01.2018, rejecting the claim of the petitioner. Challenging the same, the present Writ Petition has been filed.

3. Heard Mr.N.Inbanathan, learned Additional Government Pleader who takes notice on behalf of the respondents 1 to 3 and Mr.T.Panchatsaram, learned counsel who takes notice on behalf of the fourth respondent.

4. A perusal of the impugned order dated 31.01.2018, would go to show that only on receipt of the contempt notice, the first respondent had passed the impugned order without application of mind. In the impugned order, it is stated that as the authority has to pass necessary orders, within the stipulated time, as directed by this Court, the said order came to be passed. It is further stated that if the petitioner produced all the documents with the request, the same would be considered by him. This attitude of the first respondent is to be deprecated. The first respondent ought to have approached this Court for extension of time and should not have shirked his responsibility to consider the case on merits. The authorities being the field revenue officers have more responsibility to deal with the requirements of the citizens and to pass orders. The attitude of the officers jeopardize the interest of the parties, as they have to again approach the officers for the same purpose, for no fault of theirs. The officers have to deprecate such procedure and try to do justice to the citizens and not to pass orders in a mechanical way without application of mind.

5. For the foregoing reasons, the order of the first respondent dated 31.01.2018 is set aside and the petitioner is directed to approach the first respondent, within a period of one week from the date of receipt of a copy of this order with all the relevant documents and the said authority shall pass

orders on merits and in accordance with law, after issuing notice to the petitioner and the fourth respondent herein as well as any of the interested parties and also affording due opportunity of hearing to them, within a period of six weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

arr/rst

To

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

+1cc to Mr.T.Panchchatsaram, Advocate sr.no.83947
+1cc to Mr.R.Bharath Kumar, Advocate sr.no.84164
+1cc to Government Pleader sr.no.83712

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