

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.13740 of 2017
and
WMP Nos.14926 and 14927 of 2017

Rehana Begum

.. Petitioner

Vs.

1.The District Revenue Officer,
Krishnagiri District.

2.B.N.Sridhar

3.Thiru Abbaya

4.Raziya Begum

5.The Tahsildar,
Hosur Taluk,
Krishnagiri District.

6.The Sub Collector,
Krishnagiri District.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari to call for the records in Proceedings No.31861/2016/J2 dated 18.02.2017 on the file of the first respondent and quash the same as illegal, incompetent and without jurisdiction.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.R.Govindasamy for R1, 5 and 6
Special Government Pleader
Mr.M.Muruganantham for R2 and R3
No Appearance for R4

ORDER

The petitioner is aggrieved against the order of the first respondent dated 18.02.2017, granting separate patta in the name of the second respondent herein in respect of the property measuring an extent of 241 1/2 sq.ft. at Survey No.80/31B.

2. During the pendency of the writ petition, it is stated that the contesting parties viz., the petitioner and the respondents 2 and 3 have settled the matter and therefore, the second respondent is not claiming any legal right in respect of the Survey No.80/31B, which is the subject matter of the impugned order. Today, an affidavit dated 11.01.2018 of the third respondent, who claims to be the Power of Attorney of the second respondent, is filed before this Court, wherein it is stated as follows:

"1. I respectfully state that I am the third respondent in the above writ petition and also the Power of Attorney of the 2nd respondent. I have been authorized to file this affidavit on behalf of 2nd respondent. The 2nd respondent herein had purchased the property on 26.12.1996 from B.C.Narayanasamy and Seenappa. The schedule of property speaks of S.No.80/28 with specific boundaries. On the eastern side it is the property of Mohammed Haif Sahib. The property falls in S.No.820/31 B. S.No.80/28 is comprised in patta 290. This property was purchased by B.C.Narayanasamy and Seenappa from Lakshminarasama on 27.04.1996. It was sold to 2nd respondent

on 26.12.1996. The 2nd respondent also dealt with portion of property in favour of Mangaram and Rajaram Devsi.

2.The 2nd respondent has no legal right in respect of S.No.80/31 B baring the portion shown in the plan annexed to the affidavit. We have no objection for the writ being allowed and the proceedings of District Revenue Officer being quashed. We have been misled to make a claim at the instance of a 3rd party who had been inimically disposed of towards the writ petitioner. Taking into consideration the plan and this affidavit filed before this Hon'ble Court, it is therefore prayed that this Hon'ble Court be pleased to pass suitable and appropriate orders and thereby render justice."

3.Learned counsel for the respondents 2 and 3 submitted that the above averments made by the respondents 2 and 3 may be recorded and appropriate order shall be passed in the writ petition.

4.Mr.V.Raghavachari, learned counsel for the petitioner submitted that in view of the settlement arrived at between the parties, the writ petition may be disposed of accordingly, by issuing a suitable direction to the first respondent.

5.Since the present writ petition is filed challenging the order of the first respondent granting separate patta in favour of the second respondent in

respect of the property at Survey No.80/31B measuring an extent of 241 1/2 sq.ft. and in view of the subsequent development, taken place as stated supra, it is for the first respondent to consider the claim of the petitioner and pass appropriate orders, based on the affidavit filed by the respondents 2 and 3 before this Court, also after hearing the petitioner, the respondents 2 and 3 as well as other interested persons, if any. Accordingly, the writ petition is allowed and the impugned order is set aside and the matter is remitted back to the first respondent for passing a fresh order in the light of the subsequent development taken place, as discussed supra. Such exercise shall be done by the first respondent within a period of six weeks from the date of receipt of a copy of this order. No costs. The connected miscellaneous petitions are closed.

11.01.2018

Speaking/Non Speaking

Index :Yes/No

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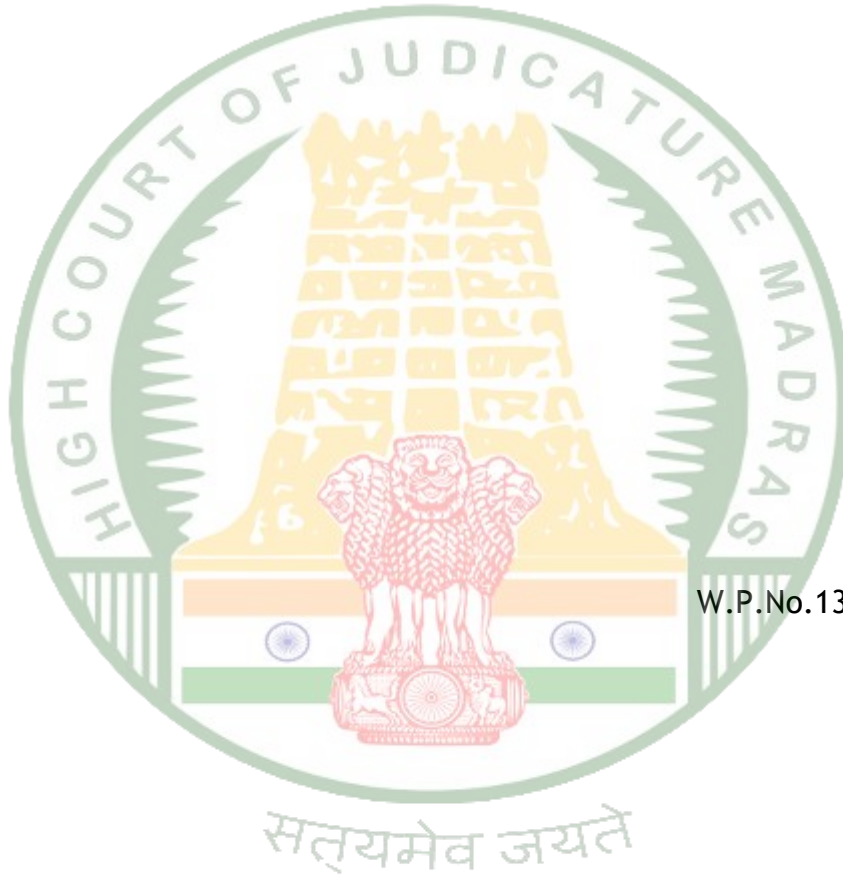
- 1.The District Revenue Officer,
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K.RAVICHANDRABAABU,J.

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W.P.No.13740 of 2017

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11.01.2018