

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25.07.2018
CORAM
THE HONOURABLE MR.JUSTICE R.MAHADEVAN
W.P.Nos.10668 and 12185 of 2010
and
M.P.Nos.1, 1 and 2 of 2010

WP.No.10668/2010:

The President
Mittahalli Village Panchayat,
Mittahalli Post,
Kaveripattinam Via,
Krishnagiri District.

... Petitioner

Vs.

1.The District Collector,
Krishnagiri District,
Krishnagiri - 635 001.

2.The Revenue Divisional Officer,
Krishnagiri - 635 001,
Krishnagiri District.

3.The Tahsildar,
Krishnagiri - 635 001,
Krishnagiri District.

... Respondents

WP.No.12185/2010:

1.R.Pachappan
2.G.Govindaraj
3.S.Govindasamy
4.G.Govindasamy
5.G.Koolappan

... Petitioners

Vs.

1.The District Collector,
Krishnagiri District,
Krishnagiri - 635 001.

2.The Revenue Divisional Officer,
Krishnagiri - 635 001,
Krishnagiri District.

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3.The Tahsildar,
Krishnagiri District,
Krishnagiri - 635 001.

4.Govt.of Tamil Nadu rep.by its
Secretary, Revenue Department
Fort St. George, Chennai-600 009.

5.The President,
Mittahalli Village Panchayat
Mittahalli Post,
Kaveripattinam via
Krishnagiri District- 635 112.

... Respondents

WP.No.10668/2010: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents from reclassifying the land belong to Mittahalli Village Panchayat, Mittahalli measuring 4.110 hectares comprised in S.No.835 Mittahalli Village, Krishnagiri Taluk and District as Government Poromboke land or removing the name of the village President from the Revenue records and issuing patta to private persons.

WP.No.12185/2010: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 4 to issue patta for the land of an extent of 4.11.0 hectares of land comprised in S.No.835, Mittahalli Village, Krishnagiri Taluk and District to and in favour of the petitioners.

For Petitioners : Mr.P.Mani in WP.10668/2010
Mr.S.Sadasharam in WP.No.12185/2010

For R1 to R3 : Mr.J.Ramesh, AGP
in WP.10668/2010
For R1 to R4 in WP.12185/2010

For R5 in WP.12185/2010: Mr.P.Mani

COMMON ORDER

WP.No.10668 of 2010 has been filed by the President, Mittahalli Village Panchayat, Krishnagiri Taluk and District, seeking a mandamus, forbearing the official respondents from reclassifying the land in S.No.835 of Mittahalli Village, Krishnagiri Taluk and District belonging to them as Government Poromboke land or removing the name of the Village President from the revenue records and issuing patta to the private

persons, whereas, W.P.No.12185 of 2010 has been filed by some private persons, seeking a direction to the official respondents to issue patta for the said land in their favour.

2.Since the subject matter of both the writ petitions is one and the same, the same are disposed of by a common order.

3.Upon notice, the Tahsildar, Krishnagiri, who is the third respondent in both the writ petitions, filed separate counter affidavits, inter alia, stating that the land in S.No.835 measuring to an extent of 4.11.0 hectares of Mittahalli Village, Krishnagiri Taluk and District, was classified under Ryotwari and issued patta in favour of the President, Mittahalli Panchayat in patta no.421 in the UDR Scheme made in the year 1986 and till date, there is no change made in the revenue records regarding the aforesaid land. It is further stated therein that the aforesaid land is situated in the hill about the height of 200 feet from the regular lands and it is absolutely a Government poramboke land and not the ancestral or self acquired property of the petitioners in WP.No.12185 of 2010.

4.When the matters were taken up for consideration, the learned counsel for the petitioners in WP.No.12185 of 2010 submitted that the petitioners have submitted an application dated 10.05.2010 to the District Collector, Krishnagiri, seeking patta in respect of the land in question and the same is pending, without any progress.

5.On the other hand, the learned Additional Government Pleader appearing for the official respondents submitted that the respondent authorities would dispose of the application submitted by the petitioners, on merits, if not disposed of earlier.

6.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondents 1 and 3 to consider the application of the petitioners dated 10.05.2010, if not earlier considered, and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to all the parties, within a period of four weeks from the date of receipt of a copy of this order.

7.Both the writ petitions stand disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
Krishnagiri District,
Krishnagiri - 635 001.
- 2.The Revenue Divisional Officer,
Krishnagiri - 635 001.
3. The Tahsildar,
Krishnagiri - 635 001,
Krishnagiri District.
- 4.The Secretary, Revenue Department
Fort St. George, Chennai-600 009.

+1 cc to M/s.P.Mani, Advocate sr 50487
+2 cc to M/s.S.Sadasharam, Advocate sr 49819
+2 cc to the Government pleader sr 50419 & 50420

W.P.Nos.10668 and 12185 of 2010

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