

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2018

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.39634 of 2006

Muni Venkatappa

... Petitioner

Vs.

1.The District Revenue Officer,
Krishnagiri.

2.The Tahsildar,
Hosur.

3.M/s.Clover Estate P. Ltd.,
Indira Nagar, Hal II Stage,
12th Main 2965 IV Cross,
Bangalore
rep. by its Managing Director.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the first respondent made in Na.Ka.No.13593/2006/H2 dated 24.05.2006 and to quash the same.

For Petitioner : Mr.K.S.Vaithianathan
for Mr.K.Chandrasekaran

For Respondent : Mr.K.Ravikumar
Nos.1 & 2
Additional Government Pleader

For Respondent : Mr.Niranjan Rajagopalan
No.3 for GR Associates

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O R D E R

Challenging the impugned order passed by the District Revenue Officer in Na.Ka.No.13593/2006/H2 dated 24.05.2006, the petitioner has filed the present writ petition.

2.The case of the petitioner is that he is a resident of Sevaganapalli Village in Hosur Taluk and there was a cart track leading to the ancient Muneeswar Temple from the village. But

the third respondent herein alienating the said cart track, formed a new lay out viz., pathway to reach the said Muneeswar temple. Accordingly, the petitioner made a complaint to the District Revenue Officer, Krishnagiri, who in turn conducted spot enquiry. On completion of enquiry, the land was measured and the alleged cart track/pathway altered in the original revenue classification by an order dated 24.05.2006. Challenging the said reclassification, the present writ petition is filed.

3.Heard Mr.K.S.Vaithianathan, learned counsel for the petitioner and Mr.Ravikumar, learned Additional Government Pleader for the respondents 1 and 2 as well as Mr.Niranjan, learned counsel for the third respondent.

4.Without going into the merits of the case, as per the Standing Orders of the Board of Revenue, the District Revenue Officer has no power for changing the revenue classification or reclassification of the revenue records in respect of government lands. Similarly, he has no power or authority for reclassification or change of revenue classification in respect of patta lands. In view of the same, the order passed by the District Revenue Officer, Krishnagiri/first respondent herein in Na.Ka.No.13593/2006/H2 dated 24.05.2006 is set aside and the matter is remitted back to the concerned authority for fresh consideration and to pass orders in accordance with law and in the manner known to law, without influenced by any of the observations made by this Court in the present writ petition.

5.The Writ Petition stands allowed with the above direction.

Sd/-
Assistant Registrar (CS V)

//True copy//

Sub Assistant Registrar

DP

To

- 1.The District Revenue Officer, Krishnagiri.
- 2.The Tahsildar, Hosur.

+1cc to Mr.GR.Associates, Advocate SR.No.49469
+1cc to Mr.K.Chandrasekaran, Advocate SR.No.49266
+1cc to Government Pleader SR.No.50005

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PVS (CO)
GN(13/08/2018)