

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.04.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.37676 of 2016
and
W.M.P.No.10417 of 2019

B.R.Rangappa

.. Petitioner

Vs.

1.The District Collector,
Krishnagiri.

2.The Tahsildar,
Denkanikotta,
Krishnagiri.

3.Lingamma

4.The Revenue Divisional Officer,
Krishnagiri.

.. Respondents

(R4 impleaded vide order of this Court in
W.M.P.No.10417/2019 dated 01.04.2019
in W.P.No.37676/2016)

PRAYER : Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing respondents 1 and 2 to dispose of the representation dated 17.08.2016 seeking for restoration of patta in the name of the petitioner with respect to survey No.122/4, measuring 0.05 cents Bairamangalam Village, Denkanikotta, Krishnagiri.

For Petitioner : Ms.R.Poornima

For RR1,2 & 4 : Mr.N.Inbanathan

Additional Government Pleader

For R3 : Mr.G.M.Ananthakumar

O R D E R

The writ petition has been filed seeking a direction to the respondents 1 and 2 to dispose of the representation dated 17.08.2016 seeking for restoration of patta in the name of the petitioner with respect to survey No.122/4, measuring 0.05 cents Bairamangalam Village, Denkanikotta, Krishnagiri.

2. Though the mandamus is sought for cancellation of the

patta, which is sought for in the representation dated 17.08.2016, the competent authority is only the Revenue Divisional Officer. As the Revenue Divisional Officer was not made as a party, the petitioner has filed W.M.P.No.10417 of 2019 to implead the Revenue Divisional Officer, Krishnagiri as the fourth respondent in this writ petition. The implead petition is ordered.

3. The petitioner claims that his father had purchased a property at S.No.122/4 measuring 0.05 cents from one Venkatachalapathy under document No.2357/97 dated 12.09.1997. On 10.04.2003, the petitioner's father executed a settlement deed in favour of the petitioner. It is stated that during sub division, the second respondent has issued patta in favour of the third respondent's husband without any notice to the petitioner. It is stated that the second respondent had granted patta in the name of one Chinna Rangappa, who had settled the property in favour of his wife Ningamma/third respondent, taking advantage of the wrong entry in the patta. In this regard, the petitioner has made a representation on 17.08.2016 to the second respondent seeking cancellation of patta in the name of third respondent and for restoration of patta in favour of the petitioner. Since, the same has not evoked any response, the petitioner has come forward with this Writ Petition seeking for the aforesaid relief.

4. Heard the learned counsel appearing on both sides.

5. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the representation, directs the fourth respondent/Revenue Divisional Officer to dispose of the petitioner's representation dated 17.08.2016 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner, third respondent herein and the persons interested in this regard and also affording them an opportunity of personal hearing, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

rsi

To

1.The District Collector,
Krishnagiri.

2.The Tahsildar,
Denkanikotta,
Krishnagiri.

3.The Revenue Divisional Officer,
Krishnagiri.

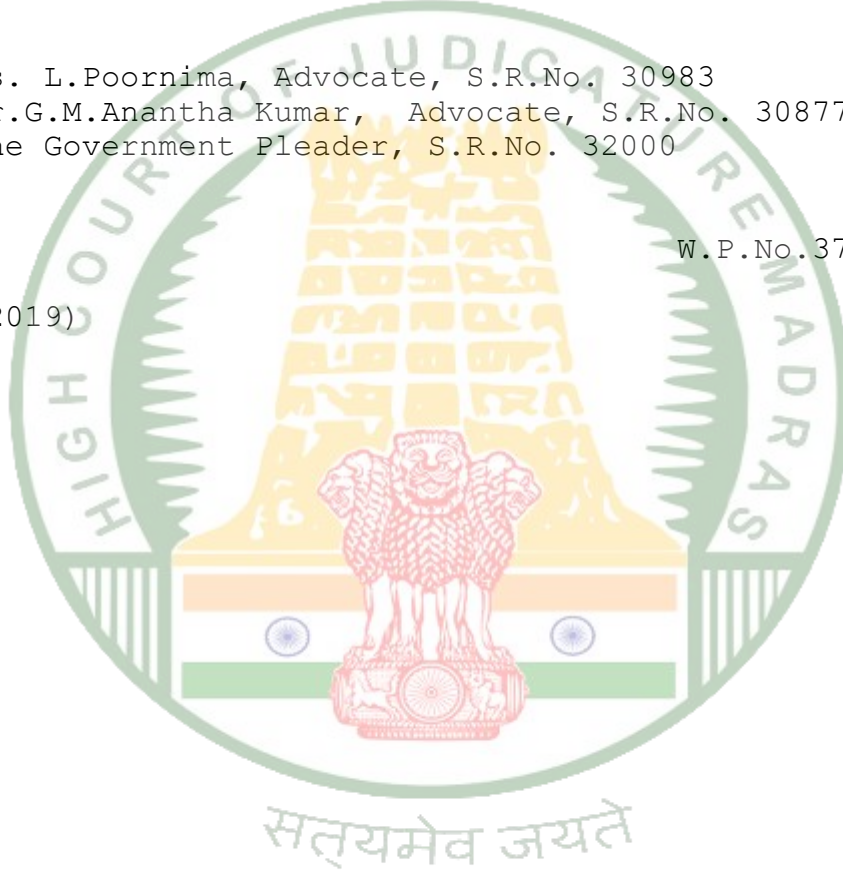
+1cc to Ms. L.Poornima, Advocate, S.R.No. 30983

+1cc to Mr.G.M.Anantha Kumar, Advocate, S.R.No. 30877

+1cc to the Government Pleader, S.R.No. 32000

W.P.No.37676 of 2016

MP (CO)
GN(04/06/2019)



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