IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.03.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.39180 of 2016

B.Thimmayya ... Petitioner

Vs.

1.The District Collector,
Krishnagiri,
Krishnagiri District.

2.The Revenue Divisional Officer,
Krishnagiri,
Krishnagiri District.

3.The Sub Collector,
Hosur,
Krishnagiri District.

4.The Tahsildar,
Hosur,
Krishnagiri District.

5.Venkadasamy ... Respondents

PRAYER : Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 4 to cancel the patta, wrongly assigned to the fifth respondent for the lands comprised in Survey No.3/1A1 an extent of 1.02 acre situated at Onnal Vadi Village, Hosur Taluk and issue patta to the petitioner's name as per his representation dated 03.10.2016.

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For Petitioner : Mr.R.K.Gandhi

For RR1 to 4 : Mr.N.Inbanathan
Additional Government Pleader

For R5 : Served - No appearance

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O R D E R

This Writ Petition has been filed seeking a direction to the respondents 1 to 4 to cancel the patta, wrongly assigned to the fifth respondent for the lands comprised in Survey No.3/1A1 an extent of 1.02 acre situated at Onnal Vadi Village, Hosur Taluk and issue patta to the petitioner's name as per his representation dated 03.10.2016.

2. According to the petitioner, the property comprised in S.No.3/1 an extent of 3.26 ½ acres situated at Onnal Vadi Village, Hosur Taluk originally belonged to one Byrappa and he sold the above lands to the petitioner's Grandfather, namely, Muniappa. After the death of his Grandfather, the petitioner's father had inherited the same. As a only legal heir to his father, the petitioner is in possession and enjoyment of the above said lands. It is stated that during the UDR period, the said S.No.3/1 was sub divided as 3/1A1, 3/1A3, 3/1A4. As per that sub division S.No.3/1A1 extent 0.41.5 (1.02 acre) excise 1.46 was assigned patta wrongly by the revenue authorities in the name of one Venkadasamy/fifth respondent herein. In this regard, the petitioner has made several representations to the respondents 1 to 4 to cancel the patta assigned in the name of the fifth respondent and issue patta in the petitioner's name. As there was no response, he made another representation on 03.10.2016 to the respondents 1 to 4. But till now, no order has been passed by the respondents 1 to 4. Hence, the mandamus has been sought for.

3. Heard the learned counsel appearing on both sides.

4. 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 case, directs the respondents 1 to 4 to consider the petitioner's representation dated 03.10.2016 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner, the fifth 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.

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

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Krishnagiri,
Krishnagiri District.

2.The Revenue Divisional Officer,
Krishnagiri,
Krishnagiri District.

3.The Sub Collector,
Hosur,
Krishnagiri District.

4.The Tahsildar,
Hosur,
Krishnagiri District.

+1cc to the Government Pleader Sr.23616
+1cc to R.K.Gandhi, Advocate Sr.23310

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srg 25/04/2019

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