

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2020

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P. Nos.429 and 430 of 2014
and M.P.No.1 of 2014

M.Sankarappa

...Petitioner in both W.Ps

Versus

1. The District Collector,
Krishnagiri District,
Krishnagiri.
2. The Block Development Officer,
Hosur, Krishnagiri District.
3. The Tahilsar,
O/o. The Taluk Office,
Hosur, Krishnagiri District.
4. The Panchayat President,
Echankur Panchayat Union,
Bagalur post,
Hosur Taluk,
Krishnagiri District

..Respondents in all W.Ps

PRAYER in W.P.No.429 of 2014: Writ petition filed under Article 226 of the Constitution of India praying for a Writ of mandamus, forbearing the respondents from vacate and dispossess the petitioner from lands situated at Survey No.36, Sokkanadhapuram Village, Echankur Panchayat Union, Hosur Taluk, Krishnagiri District, originally Bagalur Estate, an extent of 1 Acre 28 cents without following the due process of law.

PRAYER in W.P.No.430 of 2014: Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, directing the first respondent, who is the head of the District, to conduct an enquiry and dispose the representation made by the petitioner dated 25.11.2013 in relation to Survey No.36, Sokkanadhapuram Village, Echankur Panchayat Union, Hosur Taluk, Krishnagiri District an extent of 1 Acre 28 cents and issue of patta for the same.

For Petitioners : Mr.P.Subba Reddy
in all W.P.S

For Respondents 1 to 3 : Mr.M.D.Ilayaraja, Govt.Advocate
in both W.Ps

For Respondent-4 : Notice Served- No Appearance.

COMMON ORDER

W.P. No.429 of 2014 has been filed for issuance of a Writ of Mandamus, to forbear the respondents from vacating and dispossessing the petitioner from the lands situated at Survey No.36, Sokkanadhapuram Village, Echankur Panchayat Union, Hosur Taluk, Krishnagiri District, originally Bagalur Estate, measuring an extent of 1 Acre 28 cents, without following due process of law.

2. W.P. No.430 of 2014 has been filed for issuance of a Writ of Mandamus, to direct the first respondent to conduct an enquiry and dispose of the representation made by the petitioner dated 25.11.2013 in relation to Survey No.36, Sokkanadhapuram Village, Echankur Panchayat Union, Hosur Taluk, Krishnagiri District, measuring an extent of 1 Acre 28 cents and issue patta for the same.

3. It is the case of the petitioner that the petitioner's father Muniyappa, owned an extent of 1 Acre 28 cents in Survey No.36, Sokkanadhapuram Vilalge, Echankur Panchayat Union, Originally Bagalur Estate, having purchased the same from one Munisamy Reddy, Bagalur and registered as Document No.2011 of 1948 dated 01.09.1948 on the file of the Sub Registrar Office, Hosur. Since the date of purchase, the petitioner's father was in absolute possession and enjoyment of the property without any interruption. A patta was also obtained in the name of petitioner's father and they are doing cultivation in that land. While so, the Block Development Officer/second respondent stated that they required the land for the purpose of graveyard. But, all of a sudden, during November 2013, without issuing any notice to the petitioner, they started digging up the place. Immediately, the petitioner sent a representation dated 25.11.2013 to the first respondent and the same has been duly acknowledged and thereafter, they stopped the work for a while and once again commenced the work from 26.12.2013. Hence, the petitioner is before this Court.

4. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents 1 to 3 and perused the materials available on record.

5. The representation was made by the petitioner in the year 2013 requesting to survey his lands and to issue patta. Since the procedures have changed now, the petitioner is directed to submit a fresh application through on-line for surveying his lands on payment of appropriate fees and also apply for patta, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said application, The Tahsildar, Krishnagiri District/the third respondent herein, is directed to conduct an enquiry, survey the lands of the petitioner with the help of a Surveyor and if otherwise everything is in order issue patta, after affording an opportunity of personal hearing to the petitioner as well as any other persons concerned in this regard, within a period of eight weeks thereafter. Till such time the above said exercise is complete, the interim order granted in W.P.Nos.429 of 2014 shall continue.

6. With the above directions, both these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petition is closed.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

Srn
To

1. The District Collector,
Krishnagiri District, Krishnagiri.

2. The Block Development Officer,
Hosur, Krishnagiri District.

3. The Tahilsar,
O/o. The Taluk Office,
Hosur, Krishnagiri District.

4. The Panchayat President,
Echankur Panchayat Union,
Bagalur post,
Hosur Taluk,
Krishnagiri District

+1 CC to The Government Pleader sr 41104

+2 Ccs to Mr.P.Subba Reddy, Advocate sr 41114, 41115

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SRII(CO)
SP(07/01/2021)