



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2021

CORAM

THE HON'BLE Mr. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.22381 of 2010
and M.P.No.1 of 2010
and W.M.P.No.22616 of 2018

S. Ananda Prasad

... Petitioner

Vs

1.The State of Tamilnadu,
Rep. by its Principal Secretary and
Commissioner of Land Administration,
Chepauk, Chennai-5.

2.The District Revenue Officer,
Collectorate,
Bangalore Highway Road,
Krishnagiri 635 001.

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified mandamus calling for the records relating to the First Respondent's proceedings bearing R.C.K.1/22840/2008 dated 16.04.2010, to quash the same and direct the Second Respondent to issue patta for the lands in S.No.56/2, Boopanapallee/Singasadhanapallee village, Hosur Taluk, Krishnagiri in the name of the petitioner.

For Petitioner : Mr.B.Karthikeyan
For Respondents : Mr. Richardson Wilson,
Government Advocate

O R D E R

This writ petition is filed to issue a Writ of Certiorarified mandamus calling for the records relating to the First Respondent's proceedings bearing R.C.K.1/22840/2008 dated 16.04.2010, to quash the same and direct the Second Respondent to issue patta for the lands in S.No.56/2, Boopanapallee/Singasadhanapallee village, Hosur Taluk, Krishnagiri in the name of the petitioner.

2. The case of the petitioner is that his grandfather purchased the property in Survey No.68/3 to an extent of 15.18 acres and in Survey No.56/2 to an extent of 16.25 acres totaling to an extent of 31.43 acres by a registered sale deed dated



06.01.1928 vide Document No.380 of 1928 from Rangacharyalu, Ammayamma and others. Thereafter, his grandfather was in possession and enjoyment of the same till his demise. Thereafter, his father Sundar Prasad died leaving his only son, the petitioner herein who derived title of the said property. After the demise of his father, the petitioner is in continuous possession and enjoyment of the same.

3. After interpretation of one Ramappa the patta was granted in his favour in respect of the property comprised in Survey No.68/3 and after filing the appeal before the second respondent, it was ordered to cancel the patta issued in favour of the petitioner. In fact, it was also challenged before this Court and it was negatived. Insofar as the property comprised in Survey No.56/2 is concerned, the petitioner was informed that inquiry will be conducted and appropriate orders will be passed. Therefore, the petitioner submitted representation for issuance of patta for the said property.

4. By the report dated 19.03.2008 the second respondent recommended for issuance of patta in favour of the petitioner in respect of the property comprised in Survey No.56/2. However, the first respondent negatived the report submitted by the second respondent and the same is under challenge in this writ petition.

5. The respondents filed counter which revealed that the land comprised in Survey No.56/2 admeasuring 15.18 acres is classified as "Grazing Ground Poramboke" as per the Revenue records. At the time of settlement, the Settlement Officer held that the land in Survey No.56/2 Grazing land as per his order dated 29.10.1969 in Ref.No.SR.No.194/Act 26/63. It was not disputed till the year 2008 by the petitioner before the authority concerned or any other legal forum forever. The predecessors of the petitioner relinquished their entitlement to the land which was in respect of the property comprised in Survey No.56/2 classified as "Grazing Ground Poramboke" as early as in the year 1969. Admittedly, no appeal was filed as against the said order under the provisions of the "Inam Abolition Act".

6. However, by the report dated 19.03.2008 in R.O.C.No.3924/2008/J2 the second respondent has recommended the first respondent to grant patta in favour of the petitioner. The first respondent rightly perused the records and passed the negative orders in R.O.C.No.(K1) 22840/2008 dated 16.04.2010. In fact, the property comprised in Survey No.68/3 the patta was granted in favour of the petitioner after due inquiry. Therefore, in respect of the property comprised in Survey No.56/2 which is classified as "Grazing Ground Poramboke" the petitioner has already relinquished his right in the year 1969 itself at the time of inquiry conducted by the Settlement Tahsildar.



7. Therefore, the first respondent rightly rejected the request of the petitioner and in fact, the first respondent directed the Collector, Krishnagiri District to conduct a detailed inquiry in this regard. Therefore, this writ petition is dismissed as devoid of merits.

8. Accordingly, this writ petition is dismissed. No order as to costs. Consequently, the connected miscellaneous petitions are dismissed.

Sd/-
Assistant Registrar (CS-VI)

// True Copy //

Sub Assistant Registrar

rna/mka

To

1.The Principal Secretary and
Commissioner of Land Administration,
Chepauk, Chennai-5.

2.The District Revenue Officer,
Collectorate,
Bangalore Highway Road,
Krishnagiri 635 001.

+2CCs to Mr.B.Karthikeyan, Advocate, SR.No. 43367
+1CC to The Government Pleader, SR.No. 43413

W.P.No.22381 of 2010
and M.P.No.1 of 2010
and W.M.P.No.22616 of 2018

GJ(CO)
B.VC (24/09/2021)