



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.24791 of 2015
and M.P.Nos.1 & 2 of 2015

Nagarathinam

... Petitioner

-Vs-

1.District Revenue Officer,
Krishnagiri, Krishnagiri District

2.The Tahsildar,
Taluk Office, Hosur,
Krishnagiri District

... Respondents

Prayer :-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the first respondent issued in Pa.Mu.No.6137/2015/J-2 dated 29.06.2015 quash the same and consequently direct the second respondent to issue patta in favour of the petitioner in respect of lands measuring to an extent of 0.26 cents in survey No.271/5, situated at Samanapalli Village, Hosur Taluk, Krishnagiri District within the time to be stipulated by this Court.

For petitioner : Mr.V.Ayyapparaja

For Respondents : Mr.Richardson Wilson,
Government Advocate

ORDER

The Writ Petition has been filed to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent issued in Pa.Mu.No.6137/2015/J-2 dated 29.06.2015 quash the same and consequently direct the second respondent to issue patta in favour of the petitioner in respect of lands measuring to an extent of 0.26 cents in survey No.271/5, situated at Samanapalli Village, Hosur Taluk, Krishnagiri District.

2. The case of the petitioner is that the land comprised in survey No.271/5 admeasuring 0.26 cents situated at Samanapalli



Village, Hosur Taluk, Krishnagiri District originally belonged to her grandfather one, Mr.Govinda Chetty. The revenue records in respect of the said survey no. have also been mutated in his favour and he had been in possession and enjoyment of the said property. After his demise, his legal heirs succeeded to his estate. After demise of the other legal heirs, the petitioner alone as his legal heir to succeed the estate of her grandfather. Therefore, she approached the second respondent for issuance of patta. However, the petitioner came to understand that the patta in respect of the survey No.271/5 to an extent of 0.26 cents has been wrongly issued in favour of one, Venakataramaiah under UDR scheme. Therefore, she filed appeal before the first respondent to cancel the patta. The first respondent did not take any steps to consider her application and as such she was constrained to file writ petition before this Court in WP.No.3328 of 2014 to consider the representation dated 31.10.2013.

3. The further case of the petitioner is that in the said writ petition, the respondents filed counter stating that as per the settlement register, patta was issued in favour of one, Govinda Chetty i.e. the petitioner's grandfather in respect of the land comprised in survey No.271/5 admeasuring 0.10.5 areas situated at Samanapalli Village. But during UDR patta No.731 was wrongly issued in favour of one, Venkataramaiah. On verification, the said Venkataramaiah is not residing in the said village and the land in the said survey No. is in possession and enjoyment of the petitioner. Therefore, this Court by order dated 09.02.2015 in WP.No.3328 of 2014 directed the first respondent herein to pass necessary orders as stated in the counter affidavit after hearing the parties concerned within a period of three months. As directed by this Court, the first respondent passed the impugned order and rejected the claim of the petitioner for the reason that the petitioner and the said Venkataramaiah belong to different communities. The petitioner's name is not found in the Adangal and 'A' Register extract. However, the patta was issued in the name of the said Venkataramaiah and his legal heirs are also not residing in the subject land in the village. Therefore, the petitioner is directed to produce any of the documents stands in the name of herself or her predecessors in respect of the subject property and seek for patta. Further directed the second respondent not to issue any patta in respect of the subject land to any other person.



4. Heard, Mr.V.Ayyapparaja, the learned counsel for the petitioner, and Mr.Richardson Wilson, Government Advocate appearing for the respondents.

5. Even according to the respondents herein, the patta has been wrongly issued in favour of the said Venkataramaiah during UDR in patta No.731. Admittedly, the said Venkataramaiah is not residing in the said village and the petitioner is very much in possession and enjoyment of the subject property. Therefore, this Court specifically by order dated 09.02.2015 directed the first respondent to pass necessary orders as stated in the counter affidavit. As such, the impugned order cannot be sustained as against the petitioner and is liable to be set aside.

6. Accordingly, this writ petition is allowed and the impugned order dated 29.06.2015 is set aside. The second respondent is directed to issue patta in favour of the petitioner in respect of lands measuring to an extent of 0.26 cents in survey No.271/5, situated at Samanapalli Village, Hosur Taluk, Krishnagiri District within a period of four weeks from the date of receipt of copy of this order. Consequently, connected miscellaneous petitions are closed. No order as to costs.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1.District Revenue Officer,
Krishnagiri, Krishnagiri District

2.The Tahsildar,
Taluk Office, Hosur,
Krishnagiri District

W.P.No.24791 of 2015

PM(CO)
SB(18/10/2021)