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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P. NO.33748 OF 2015

AND

M.P NO.1 OF 2015

1. Nanjappa
2. Nagamma
3. Muniraj

... Petitioners

-Vs-

1. The District Revenue Officer,
Krishnagiri.
2. The Tahsildar,
Hosur.

... Respondents

Prayer :-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the first respondent in proceedings in NA.KA.8585/2014/J2 dated 26.12.2014 and quash the same as illegal, incompetent and further direct the respondents to rectify the error of showing the land at survey No.495 measuring 2.09 acres Mukkandapalli Village, Hosur taluk, Krishnagiri district from Varri Poromboke to Punja land and grant patta in favour of the petitioners.

For Petitioners : Ms.R.Poornima

For Respondents : Mr.Richardson Wilson
Government Advocate.

ORDER

This Writ Petition has been filed to call for the records on the file of the first respondent in proceedings in NA.KA.8585/2014/J2 dated 26.12.2014 and quash the same as illegal, incompetent and further direct the respondents to rectify the error of showing the land at survey No.495 measuring 2.09 acres Mukkandapalli Village, Hosur taluk, Krishnagiri



district from Varri Poromboke to Punja land and grant patta in favour of the petitioners.

2. The case of the petitioners is that the land comprised in survey No.495 ad measuring 2.09 acres situated at Mukkandapalli Village, Hosur taluk, Krishnagiri district, belonged to one Anummaiya. He executed mortgage deed on 29.06.1944, in favour of one Chenna Reddy and thereafter on 05.08.1954, executed another mortgage deed in favour of one Thippaiya. After demise of the said Anummaiya, his wife Mangamma succeeded the said property and thereafter she executed a Will dated 04.06.1982 registered vide document No.36/1982 in favour of her daughter viz., Venkattamma. Thereafter the said Venkatamma died on 27.01.1984 and her husband died on 25.05.1999. The petitioners are being their legal heirs, they derived title over the subject property.

3. During the re-settlement, the land situated at survey Nos.494, 496, 497 & 498 which are water bodies, were classified as Vaari. Insofar as the property comprised in survey No.495 is concerned, it was wrongly classified as Vaari. Though it is a patta land stood in the name of the said Mangamma, while doing UDR survey, without notice to the petitioners or their predecessors, the nature of the land in survey No.495 was classified as Annadeenam. In fact, the petitioners and their predecessors are in possession and enjoyment of the property and they paid all the revenue dues. All the revenue records such as Adangal, chitta, patta are stood in the name of the said Mangamma and she was issued patta in patta No.179 in respect of the land comprised in survey No.495. Subsequently, without notice the said land was re-classified Annadeenam. In fact, no notice was served to the petitioners or their predecessors at any point of time for re-classification of land in survey No.495. Therefore, the petitioners filed appeal before the first respondent and the said appeal was dismissed by the impugned order. Hence the present Writ Petition.

4. Heard Ms.R.Poornima, learned counsel appearing for the petitioners and Mr.Richardson Wilson, learned Government Advocate appearing for the respondents.

5. On perusal of the records, the revenue documents such as Chitta, Patta, Adangal, in respect of the land comprised in survey No.495 to an extend of 2.09 acres, are stood in the name of Mangamma. However, the first respondent while dismissing the appeal stated that all the documents are fabricated one viz., after the UDR. Further observed that all the revenue records were prepared after the year 1904 and the said land was classified as Vaari and subsequently re-classified as Annadeenam and there is no reason to re-classification of land from Varri



to Annadeenam. Admittedly, no notice was served to the petitioners or their predecessors who are in possession of the subject property, while re-classification of the subject land. Hence, the impugned order is liable to be set aside.

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6. Accordingly, the impugned order dated 26.12.2014 passed by the first respondent in proceedings in NA.KA.8585/2014/J2, is hereby set aside. The first respondent is directed to issue fresh notice to the petitioners and the counter parties if any, within a period of two weeks from date of the receipt of a copy of this order and thereafter conduct an enquiry and after giving opportunity of hearing, pass orders on merits and in accordance with law within a period of sixteen weeks thereafter. It is made clear that the petitioners are at liberty to submit all the relevant documents in pursuant to the subject land comprised in survey No.495 ad measuring 2.09 acres situated at Mukkandapalli Village, Hosur taluk, Krishnagiri district, before the first respondent.

7. With the above directions, this Writ Petition is allowed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

rts

To

1. The District Revenue Officer,
Krishnagiri.
2. The Tahsildar,
Hosur.

+1cc to Mr.R.Poornima, Advocate, S.R.No.54678
+1cc to the Government Pleader, S.R.No.55065

W.P. No.33748 of 2015
and M.P No.1 of 2015

CP(CO)
PM/12/11/2021