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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2021

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.20618 OF 2018

AND

W.M.P.NO.24232 OF 2018

Kanthamma

... Petitioner

-Vs-

1. The District Revenue Officer,
District Collector Office,
Krishnagiri.
2. The Assistant Director,
Survey and Land Records Department,
District Collector Office,
Krishnagiri District.
3. The Sub Collector,
Sub Collector Office,
Hosur,
Krishnagiri District.
4. The Tahsildar,
Taluk Office,
Hosur,
Krishnagiri District.
5. P.Narayanappa
6. N.Murugesappa

... 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.21002/2017/J2, dated 08.03.2018, quash the same and consequently direct respondents 1 to 4 to cancel the sub-division made in favour of respondents 5 and 6 relating to Survey No.430/1D situate at Panchakshipuram Village, Hosur Taluk, Krishnagiri District, within the time to be stipulated by this Hon'ble Court.



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For Petitioner : Mr.V.Ayyapparaja
For R1 to R4 : Mr.M.R.Gokul Krishnan
Government Advocate.
For R5 and R6 : Mr.V.Sakkarapani

ORDER

This Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent issued in Pa.Mu.21002/2017/J2, dated 08.03.2018, quash the same and consequently direct respondents 1 to 4 to cancel the sub-division made in favour of respondents 5 and 6 relating to Survey No.430/1D situate at Panchakshipuram Village, Hosur Taluk, Krishnagiri District, within the time to be stipulated by this Hon'ble Court.

2. Heard Mr.V.Ayyapparaja, learned counsel appearing for the petitioner, Mr.M.R.Gokul Krishnan, learned Government Advocate appearing for the respondents 1 to 4 and Mr.V.Sakkarapani, learned counsel appearing for the respondents 5 and 6.

3. The case of the petitioner is that the land comprised in Survey No.430/1C to an extent of 0.88.5 hectares and the land comprised in Survey No.430/1A ad-measuring 0.95.5 hectares situated at Panchakshipuram Village, Hosur Taluk, Krishnagiri District, belonged to the petitioner's parents. After their demise, the petitioner and his sister were in possession and enjoyment of the same. Thereafter, they partitioned the property by way of partition deed dated 27.05.2004, registered vide Document No. 1221 of 2004 in the file of the Sub-Registrar, Denkanikottai, in which the subject property comprised in Survey No.430/1C, 430/1A and 424 were allotted to the petitioner. Accordingly, the revenue records were mutated in his name. While being so, the fifth respondent purchased 42 cents in Survey No.430/10 and the property ad-measuring 1.90 acres in Survey No.431/1A. These properties are situated on the eastern side to the petitioner's property. The fifth respondent also purchased the property comprised in Survey No.599 to an extent of 4.73 acres and the property comprised in Survey No.711 ad-measuring 1.35 acres from one Chandramma. The said Chandramma had purchased the lands comprised in Survey Nos.431/1A and 431/D from one Venkatesappa by a registered sale deed dated 29.06.1979, registered vide Document No.1296 of 1976. Whereas he did not purchase any property in Survey No.430/1A and 430/1C. Therefore, the said Chandramma did not convey any property comprised in Survey No.430/1 or 431/1D in favour of the fifth respondent. However, in the updating registry of cases (UDR) to



an extent of 42 cents comprised in Survey No.430/1D was wrongly mutated in favour of the fifth respondent. Therefore, the petitioner sent a representation dated 31.07.2017, to rectify the mistakes entered in the revenue records during UDR. On receipt of the same, the first respondent called for report from the fourth respondent and also issued notice to the fifth respondent and sixth respondent herein.

4. The third respondent after conducting detailed enquiry filed a report that there is absolutely no document to show that the property comprised in Survey No 430/1D belong to the petitioner and she has title over the property comprised in Survey No.430/1A, 430/1C and 434/1 as per Patta No.493. The said property was allotted in her favour by the partition deed registered vide Document No. 1221 of 2004, dated 27.05.2004. In fact, the Village Administrative Officer also filed a detailed report and confirmed the said report filed by the Tahsildar. Further, revealed that the property comprised in Survey No.430/1D to an extent of 0.17.0 hectares and property comprised in Survey No.431/1A to an extent of 0.77.0 hectares along with other land stood in name of the fifth respondent in the revenue records and he as also issued patta in Patta No. 2158. In fact, in the UDR itself the patta stood in the name of the fifth respondent. Therefore, the first respondent rightly rejected the claim of the petitioner, since, she has no title over the property comprised in Survey No.430/1D, 431/1A.

5. Hence, this Court finds no infirmity or illegality in the order passed by the first respondent. Therefore, the writ petition is devoid of merits. However, the petitioner is at liberty to approach the Civil Court to determine her title in respect of the subject property and if she succeeds, she can very well approach the fourth respondent for issuance of patta for the subject property.

6. In view of the above, this writ petition stands dismissed. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The District Revenue Officer,
District Collector Office,
Krishnagiri.
2. The Assistant Director,
Survey and Land Records Department,
District Collector Office,
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3. The Sub Collector,
Sub Collector Office,
Hosur,
Krishnagiri District.
4. The Tahsildar,
Taluk Office,
Hosur,
Krishnagiri District.

+lcc to Mr.R.Bharath Kumar, Advocate, S.R.No.54875
+lcc to Mr.V.Sakkarapani, Advocate, S.R.No.55222
+lcc to the Government Pleader, S.R.No.55087

W.P.No.20618 of 2018
and W.M.P.No.24232 of 2018

PM(CO)
PM/17/11/2021