



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2021

CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.9617 of 2021

M. Navin

...Petitioner

Versus

1. The District Revenue Officer,
Krishnagiri District, Krishnagiri.

2. Muniamma
3. Rajendran
4. Krishnan
5. Rangan
6. Ramesh

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings in Pa.Mu.No.18351/2020/12 dated 19.03.2021 on the file of 1st respondent herein, quash the same and consequently, to direct 1st respondent herein to rectify the mistake in the Revenue Records occurred during the UDR Scheme in respect of lands in S.F.No.173/1A, situated at Samanapalli Village, Soolagiri Taluk, Krishnagiri District.

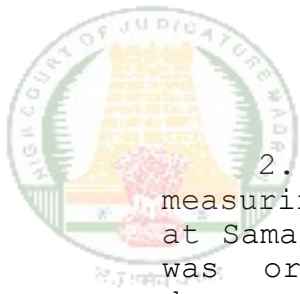
For Petitioner : Mr.K.Govi Ganesan

For R1 : Mr.Yogesh Kannadasan
Government Advocate

For RR 2 to 6 : No appearance

ORDER

This writ petition has been filed challenging the impugned proceedings in Pa.M.No.18351/2020/J2, dated 19.03.2021 passed by the first respondent/District Revenue Officer and consequently directing the first respondent to rectify the mistake in the Revenue Records occurred during UDR Scheme in respect of lands in S.F.No.173/1A, situated at Samanapalli Village, Soolagiri Taluk, Krishnagiri District.



2. The case of the petitioner is that the property measuring to an extent of 3.40 Acres in S.F.No.173/1 situated at Samanapalli Village, Soolagiri Taluk, Krishnagiri District, was originally belonged to the petitioner's grandfather deceased C.Sonnappa and Patta No.232 was also issued in favour of him and the same was reflected in the Village 'A' Register as the owner of the above said property. He alienated 1.30 acres out of 3.40 Acres to one Venkataramanachari by way of a registered Sale Deed in Document No.17 of 1966, dated 05.01.1966 on the file of Sub Registrar Office, Hosur. After his demise, the petitioner and other legal heirs succeeded over the balance 2.10 acres of land and were in possession and enjoyment of the said property. During UDR Scheme, the lands were erroneously sub-divided as S.F.Nos.173/1A and 173/1B and Patta was also issued in the name of one Mr.Thimmayya, husband of the second respondent and the father of the respondents 3 to 6 herein. After his demise, his legal heirs namely respondents 2 to 6 were under the wrong impression that the above said property belonged to them and sold the property measuring to an extent of 1,00 acre to one Mr.Sadasivappa by way of a registered sale deed in Document No.823 of 2005 dated 05.05.2005 on the file of Sub Registrar Office, Hosur. Thereafter, the said Sadasivappa came to know that the said property does not belong to his vendors and that the possession is with the petitioner, he executed a sale deed as Document No.1742 of 2008, dated 28.04.2008 on the file of the Sub Registrar Office in favour of the third respondent. The petitioner submits that the anomaly caused in due to the error occurred during the UDR Scheme. The petitioner further submits that the first respondent is the Competent Authority to rectify the error occurred during the UDR Scheme as per G.O.(Ms).No.385, dated 17.08.2004, Revenue Department, Government of Tamil Nadu. Therefore, he sent a representation, dated 09.09.2019 to the first respondent to rectify the error and the same was taken on file as Na.Ka.18351/2020/J2, and enquiry was conducted on 31.07.2020, 21.08.2020, 04.09.2020, 8.10.2020 and 21.10.2020. After hearing both the parties concerned, the petitioner attended all the hearings and produced necessary documents and the respondents had appeared and placed their submissions. Thereafter, the petitioner filed in W.P.No.17458 of 2020 before this Court and the same was ordered on 10.12.2020 directing the official respondents to complete the proceedings and pass final orders within a period of four weeks. Pursuant to that, the first respondent has rejected the petitioner's claim as per the proceedings in Pa.Ma.18351/2020/J2, dated 19.03.2021 stating that the petitioner ought to have approached the competent civil Court to redress his remedy. Aggrieved by the same, the petitioner has no other alternative remedy except to approach this Court under Article 226 of the Constitution of India. Hence this petition.

3. The learned counsel appearing for the first respondent submitted that the said Authority has already passed an order



after holding an enquiry and the dispute between the parties concerned has to approach the competent civil Court to decide the matter.

4. Heard both sides and perused the records.

5. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the 1st respondent to consider the petitioner's representation dated 09.09.2019 and dispose of the same within a stipulated time that may be framed by this Court.

6. In view of the above facts and circumstances of the case and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's representation or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, with a direction to the 1st respondent to consider the petitioner's representation dated 09.09.2019 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and necessary parties concerned within a period of four months from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

gba

To

The District Revenue Officer,
Krishnagiri District,
Krishnagiri.

+1cc to M/s.K.Govi Ganesan, Advocate SR. No.52507

+1cc to the Government Pleader SR. No. 53207

W.P.No. 9617 of 2021

JP II (CO)
PR (29/11/2021)