



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.30407 OF 2016

Papanna

...Petitioner

Vs

1. The District Revenue Officer,
District Collectorate,
Krishnagiri.
2. The Sub Collector,
Office of Sub Collector,
Hosur Taluk,
Krishnagiri District.
3. The Tahsildar,
Hosur 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 herein relating to Pa.Mu No.33141/2015/J2 dated 20.06.2016, quash the same and consequently direct the respondents herein to issue patta to the petitioner within the time to be stipulated by this Court.

For Petitioner : Mr.R.Bharath Kumar

For Respondents : Mr.S.Rajesh
Government Advocate

ORDER

This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent herein relating to Pa.Mu.No.33141/2015/J2 dated



20.06.2016, quash the same and consequently direct the respondents herein to issue patta to the petitioner within the time to be stipulated by this Court.

2. Heard, Mr.R. Bharath Kumar, learned counsel appearing for the petitioner and Mr.S. Rajesh, learned Government Advocate appearing for the respondents.

3. The case of the petitioner is that the land, admeasuring 3.28 acres comprised in survey No.915 situated at Kamandoddi Village, Hosur Taluk, Krishnagiri District, originally belonged to one Pethanna alias Munisamy and one Muniyappa. They had sold the said property in favour of the petitioner's father by a registered sale deed dated 31.12.1965 vide document No.33 of 1965. After demise of his father, the petitioner and his legal heirs had inherited the estate. In fact, the petitioner's father was issued patta No.449 in respect of the subject property. When the petitioner applied for computerised patta, the subject land was wrongly classified as 'Anadheenam'. Therefore, the petitioner submitted a representation to reclassify the land into patta land. It was not considered and as such, the petitioner was constrained to approach this Court in W.P.No.36023 of 2015 and this Court directed the first respondent to consider the same. However, the first respondent, without considering the sale deed and the patta issued in favour of the petitioner's father, rejected the claim for the reason that the petitioner failed to produce any original documents and Encumbrance Certificate in respect of the subject property.

4. The first respondent filed a counter stating that as directed by this Court, the first respondent conducted enquiry on the representation submitted by the petitioner. Though the petitioner is given an opportunity to produce the original documents, the petitioner failed to produce the same. According to the first respondent, a perusal of the records would show that the petitioner claims right over the property to an extent of 3.25 acre or 1.32.5 hectare of Government land, whereas in the sale deed furnished by the petitioner, the extent has been noted as 2.00 acre. The subject land, admeasuring 1.32.5 hectare in survey No.915 situated at Kamandoddi Village, Shoolagiri Taluk, has been classified as 'Anadeenam' in the Government records from the time immemorial. The updating scheme was held 35 years way back and the petitioner, after a lapse of 35 years, now is claiming right over the property that too in records.

5. The learned counsel for the petitioner submitted that the petitioner is having original sale deed in favour of his father and also Encumbrance Certificate in respect of the



subject property. That apart, the petitioner's father was issued patta in respect of the entire extent of the property admeasuring 1.32.5 hectare in survey No.915. Whereas, in the sale deed produced by the petitioner, the extent has been noted as 2.00 acres. Thus, there is variation in the extent claimed by the petitioner.

6. Considering the above, the impugned order dated 20.06.2016 in Pa.Mu.No.33141/2015/J2 passed by the first respondent is hereby set aside. The matter is remanded back to the first respondent for fresh consideration. The first respondent is directed to issue notice to the petitioner and the counter parties, if any, by giving an opportunity to the petitioner to produce the original documents and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition stands allowed. No costs.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Revenue Officer,
District Collectorate,
Krishnagiri.
2. The Sub Collector,
Office of Sub Collector,
Hosur Taluk,
Krishnagiri District.
3. The Tahsildar,
Hosur Taluk Office,
Hosur,
Krishnagiri District.

+1cc to M/s.R.Bharath Kumar, Advocate, S.R.No.68827
+1cc to the Government Pleader, S.R.No.68338

W.P.No.30407 of 2016

PL(CO)
RLP(31/01/2022)