



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2021

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.12897 of 2021

M.Thyagaraju

...Petitioner

vs.

1.The District Collector,
Krishnagiri District,
Krishnagiri.

2.The Tahsildar,
Hosur Taluk,
Krishnagiri District.

3.The Assistant Settlement Officer,
(South)
Chepauk,
Chennai - 600 005.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondents 2 and 3 herein to issue Patta to the petitioner for his lands measuring 3.29 acres in S.F.No.708 situate at Mugalur Village, Hosur Taluk, Krishnagiri District based on the judgment and decree dated 29.07.2005 passed in A.S.No.35 of 2004 on the file of the I Additional District Court, Dharmapuri at Krishnagiri within a stipulated period.

For Petitioner : Mr.K.Govi Ganesan

For Respondents : Mr.A.M.Ayyadurai
Government Advocate

ORDER

This writ petition has been filed to issue a Writ of Mandamus, directing the 2nd and 3rd respondents herein to issue patta to the petitioner for his lands measuring 3.29 acres in S.F.No.708 situate at Mugalur Village, Hosur Taluk, Krishnagiri



District based on the judgment and decree dated 29.07.2005 passed in A.S.No.35 of 2004 on the file of the I Additional District Court, Dharmapuri at Krishnagiri within a stipulated period.

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2. The case of the petitioner is that the land comprised in S.F.No.708 ad-measuring 3.29 acres situated at Mugalur Village, Hosur Taluk, Krishnagiri District, was purchased by the petitioner's father by the Sale Deed dated 29.03.1969 registered vide Document No.489/1969. In the year 1997, the 1st and 2nd respondents interfered with the possession and enjoyment of the subject property and also the petitioner's father filed a suit in O.S.No.121 of 1997 on the file of the Sub Court, Hosur for declaration of title and consequential injunction. However, the suit was partly decreed by the judgment and decree dated 30.09.2003 and in respect of the declaration prayer was declined.

3. Aggrieved by the same, the petitioner's father preferred appeal suit in A.S.No.35 of 2004 on the file of the IV Additional District Court, Dharmapuri at Krishnagiri and the Appellate Court by an order dated 29.07.2005 allowed the appeal suit and decreed the suit as prayed for. Thereafter, the said property was settled in favour of the petitioner by his father by the Settlement Deed dated 20.09.2006 and registered vide Document No.3309 of 2006. Thereafter, the petitioner is in possession and enjoyment of the said property and applied for patta before the 2nd respondent. However, it was not considered and pending till today.

4. On perusal of the counter affidavit dated 27.07.2021 filed by the 2nd respondent, revealed that the land comprised in S.No.708 ad-measuring 1.33 hectare situated at Mugalur Village is classified as 'Kottai Parandur Gramanatham' in the Government records. Gramanatham literally denotes 'Village site'. As per the Government Rules village site lands has to be allotted to poor houseless people of the village. Further, the petitioner approached the respondents for issuance of patta only after a lapse of 15 years from the date of judgment and decree dated 29.07.2005 passed in A.S.No.35 of 2004 on the file of the Ist Additional District Court, Dharmapuri at Krishnagiri. The 1st and 2nd respondents have no power to grant patta for an extent of 3.29 acres of Government lands in favour of the petitioner. Since it is classified as 'Kottai Parandur Gramanatham'.

5. Admittedly, the respondents herein did not prefer any second appeal as against the judgment and decree dated



29.07.2005 passed in A.S.No.35 of 2004 on the file of the Ist Additional District Court, Dharmapuri at Krishnagiri. Though it is classified as 'Kottai Parandur Gramanatham', on the strength of judgment and decree dated 29.07.2005 passed in A.S.No.35 of 2004 on the file of the Ist Additional District Court, Dharmapuri at Krishnagiri, the petitioner is entitled for issuance of patta.

6. In view of the above, the respondents are directed to issue patta to the petitioner in respect of the property comprised in S.F.No.708 ad-measuring 3.29 acres situated at Mugalur Village, Hosur Taluk, Krishnagiri District, as per the judgment and decree dated 29.07.2005 passed in A.S.No.35 of 2004 on the file of the Ist Additional District Court, Dharmapuri at Krishnagiri, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

dm

To

1. The I Additional District Court
Dharmapuri at Krishnagiri

2.The District Collector,
Krishnagiri District,
Krishnagiri.

3.The Tahsildar,
Hosur Taluk,
Krishnagiri District.

4.The Assistant Settlement Officer,
(South)
Chepauk,
Chennai - 600 005.



+1 CC to Mr.K.Govi Ganesan, Advocate sr 66775
+1 CC to The Government Pleader sr 67478

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KJ (CO)
SP (04/01/2022)