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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P. No.22365 of 2018

K.Anbazhagan

... Petitioner

-Vs-

- 1.The District Revenue Officer,
Krishnagiri.
- 2.The Assistant Director,
Survey & Land Records Department,
Collector Office,
Krishnagiri District.
- 3.The Revenue Divisional Officer,
Hosur,
Krishnagiri District.
- 4.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, to call for the records of the first respondent relating to the proceedings issued in Pa.Mu.22902/2016/J2, dated 30.07.2018, quash the same and consequently direct the first respondent to delete the wrong entires made in the revenue records in respect of 30/8 (0.18.0 Hectare) and 30/9 (0.61.0 Hectare) Anumepalli Village, H/o. Zuzuwadi, Hosur Taluk, Krishnagiri District and issue patta to the petitioner on the basis of the report of the third respondent issued in Na.Ka.436/2014/C2 dated 03.11.2015 and report of the Assistant Director, Survey and land records, Krishnagiri, issued in Na.Ka.D5/1184/2016 dated 26.05.2016 within the time to be stipulated by this Court.



For Petitioner : Mr.R.Bharath Kumar

For Respondents : Mr.M.R.Gokul Krishnan
Government Advocate.

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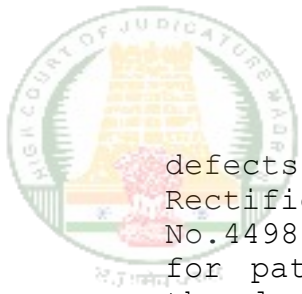
ORDER

This Writ Petition has been filed to call for the records of the first respondent relating to the proceedings issued in Pa.Mu.22902/2016/J2, dated 30.07.2018, quash the same and consequently direct the first respondent to delete the wrong entries made in the revenue records in respect of 30/8 (0.18.0 Hectare) and 30/9 (0.61.0 Hectare) Anumepalli Village, H/o. Zuzuwadi, Hosur Taluk, Krishnagiri District and issue patta to the petitioner on the basis of the report of the third respondent issued in Na.Ka.436/2014/C2 dated 03.11.2015 and report of the Assistant Director, Survey and land records, Krishnagiri, issued in Na.Ka.D5/1184/2016 dated 26.05.2016 within the stipulated time.

2. The case of the petitioner is that the land ad measuring 3.20 acre in paimash No.23/2 survey Nos.30/8 and 30/9 situated at Anumepalli Village, Hosur Taluk, Krishnagiri District, originally belonged to one Muniyappa, who had purchased the same under the registered sale deed dated 20.04.1949 vide document No.748/1949 in the office of the Sub Registrar, Hosur. From the date of his purchase, he had been in possession and enjoyment of the same. After demise of the said Muniyappa, his legal heirs succeed his estate and they were in peaceful possession and enjoyment. However, during the Updating Resettlement Scheme (UDR), the said land was wrongly classified as Parai Poramboke. Therefore, the legal heirs of the said Muniyappa requested the third respondent to rectify the erroneous classification.

3. The third respondent had taken necessary steps for rectifying the erroneous classification from un-assessed waste to assessed waste dry and after complying with the due procedure as contemplated under the Revenue Board Standing Order, by the proceedings dated 02.03.1994 transferred the said land in favour of the legal heirs of the deceased Muniyappa. Accordingly, the fourth respondent carried out necessary changes in Village and Taluk accounts and they were also issued patta.

4. Thereafter, the legal heirs entered into a partition deed dated 18.07.1997 registered vide document No.6081/1997. In pursuant to the said partition deed, the petitioner had purchased the land to an extent of 1560 sq.ft., in survey No.30/8 and 990 sq.ft., in survey No.30/9 in total 2555 sq.ft., by the registered sale deed dated 10.03.2005 vide document No.2050/2005 at the office of the Sub Registrar, Hosur. Certain



defects were found in the survey numbers as such, by the Rectification deed dated 26.05.2005 registered vide document No.4498/2005, it was rectified and the petitioner was applied for patta. Accordingly, the fourth respondent had sub divided the land and issued patta in patta No.182 in favour of the petitioner.

5. However, without any notice to the petitioner, the respondents have deleted the sub division took place and classified the subject land as Government Poramboke Parai. Therefore, the petitioner and other purchasers submitted representation dated 16.02.2015 and requested the respondents to delete the wrong entry made in the Revenue Records and also sought for patta. The fourth respondent had conducted an enquiry and recommended for deletion of wrong entires and issuance of patta in favour of the petitioner and others to the third respondent by a report dated 03.11.2015. Further the first respondent instructed the Personal Assistant to the District Collector (Survey) to conduct a field inspection and submit a report.

6. Accordingly, the second respondent viz., the Assistant Director, Survey and Land Records, Krishnagiri, conducted an enquiry and submitted a report to the first respondent, thereby recommending for deletion of wrong entires in the revenue records and issue patta in favour of the petitioner. However, the first respondent did not pass any order and therefore, the petitioner was constrained to file a Writ Petition in W.P.No.23735 of 2016 and this Court by an order dated 12.07.2016, directed the first respondent to take note of the report of the second respondent and pass orders. However, the first respondent without considering the report submitted by the second and fourth respondent passed the impugned order. Hence the present Writ Petition.

7. Heard Mr.R.Bharath Kumar, learned counsel appearing for the petitioner and Mr.M.R.Gokul Krishnan, learned Government Advocate appearing for the respondents.

8. On perusal of the impugned order revealed that the first respondent rejected the claim of the petitioner for the reason that the petitioner failed to produce the relevant documents in respect of the petitioner's predecessors in title. However, the petitioner produced all the records as stated supra and in fact, the second and fourth respondent supported the case of the petitioner and specifically recommended for reclassification and issuance of patta to the petitioner.

9. The first respondent filed counter and stated that the land comprised in survey No.30/8 ad measuring 0.18.0 hectare and



the land comprised in survey No.30/9 ad measuring 0.16.0 hectare situated at Anumapalli Village in Hosur Taluk has been classified as Parai in the government records. The said lands are government poramboke lands for the past 70 years and the said lands have been classified as "Parai" in the government records. After the lapse of 70 years, now the petitioner claiming the right over the said lands and it does not belongs to the said Muniyappa and others.

10. Whereas the revenue records show that the said Muniyappa purchased the subject land and all the revenue records mutated in his name. That apart, this Court by an order dated 12.07.2016 in W.P.No. 23735 of 2016, directed the first respondent to take note of the reports submitted by the respondents 2 & 3 and pass order. Both the reports revealed that one Muniyappan purchased the land to an extent of 3.02 acres by the registered sale deed dated 20.04.1949 vide document No.748/1949. After his demise, his legal heirs became absolute owner of the subject property. Further during Updating Resettlement Scheme, the subject lands were wrongly classified as Parai Poramboke. Even than, the first respondent failed to consider the same and rejected the claim of the petitioner. Hence, the order passed by the first respondent is liable to be set aside.

11. Accordingly, the order dated 30.07.2018 passed by the first respondent in Pa.Mu.22902/2016/J2, is hereby set aside. The first respondent is directed to delete the wrong entries made in the revenue records in respect of survey Nos.30/8 & 30/9, Anumepalli Village, Hosur Taluk, Krishnagiri District and issue patta to the petitioner within a period of eight weeks from the date of the receipt of a copy of this Order.

12. With the above directions, the Writ Petition stands allowed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rts

To

1.The District Revenue Officer,
Krishnagiri.



2.The Assistant Director,
Survey & Land Records Department,
Collector Office,
Krishnagiri District.

3.The Revenue Divisional Officer,
Hosur,
Krishnagiri District.

4.The Tahsildar,
Hosur Taluk Office,
Hosur,
Krishnagiri District.

+1cc to Mr.R.Bharath Kumar, Advocate Sr No.54872
+1cc to the Government Pleader Sr No.55398

W.P.No.22365 of 2018

PM (CO)
PR (26/11/2021)