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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.22366 of 2018

P.N.Usha

... Petitioner

-Vs-

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

2.The Sub Collector,
Hosur,
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, to call for the records of the first respondent issued in Pa.Mu.1982/2018/J-2 dated 16.07.2018, quash the same and consequently direct the first respondent to rectify the errors crept in, in the Revenue Records in respect of land to an extent of 0.52.50 hectare comprised in Survey No.268/2 of Gopanapalli Village, Mathigiri Firka, Hosur Taluk, Krishnagiri District and issue computerized patta and Chitta to the petitioner within the time to be sitpulated by this Court.

For Petitioner : Mr.R.Bharath Kumar

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



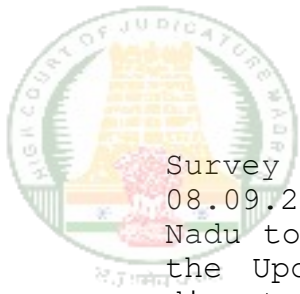
ORDER

This Writ Petition has been filed to call for the records of the first respondent issued in Pa.Mu.1982/2018/J-2 dated 16.07.2018, quash the same and consequently direct the first respondent to rectify the errors crept in, in the Revenue Records in respect of the land to an extent of 0.52.50 hectare comprised in Survey No.268/2 of Gopanapalli Village, Mathigiri Firka, Hosur Taluk, Krishnagiri District and issue computerized patta and Chitta to the petitioner within the time.

2. The case of the petitioner is that the land comprised in survey No.268/2 to an extent of 0.52.50 hectare (1.30 acres) situated at Gopanapalli Village, Mathigiri Firka, Hosur Taluk, Krishnagiri District, owned by one Chinnapittamma @ Sarojamma, W/o. Late Muniyappa, who acquired title by an assignment issued by the Special Tahsildar (Assignment) Hosur, Krishnagiri, vide proceedings dated 12.05.1994. Subsequently, she settled the said property in favour of her sons viz., Ramamoorthy & Lakshmipathy, by the Gift Deed dated 06.03.1998 vide document No.378 of 1998. Thereafter, the petitioner purchased the said land from the said Ramamoorthy & Lakshmipathy by the registered sale deed dated 30.04.2014 vide document No.2666 of 2014 at the office of the Sub Registrar, Kelamangalam. From the date of the purchase, the petitioner is in possession and enjoyment of the same and the entire revenue records were mutated in her favour and she also issued patta No.771 by the third respondent herein.

3. Further the petitioner came to understand that the said land was wrongly shown as "0" patta and she was informed that the said land is classified as Government Poromboke land. Admittedly, her vendors issued patta and the third respondent viz., the Tahsildar subsequently ordered for transfer of patta. Therefore, the petitioner made representation dated 02.03.2015 to rectify the errors crept in, in the revenue records and issue patta. However, the respondents did not consider the same as such, the petitioner was constrained to file a Writ Petition in W.P.No.5434 of 2018, and this Court by an order dated 12.03.2018, directed the first respondent to consider the petitioner's representation and pass orders in accordance with law. However, the first respondent rejected the petitioner's claim by the impugned order in this Writ Petition.

4. The first respondent filed counter and stated that the subject land has been classified as Mechal Tarai in the Government records and it denotes the land intended for grassing the cattles in the village. From the time immemorial, the said land has been recorded as Mechal Tarai and during the Updating the Registry scheme the said land has been correctly classified as Mechal Tarai in the government records. The Director of



Survey and Settlement, Chennai, by his communication dated 08.09.2014 has issued instruction to all the Collectors in Tamil Nadu to verify the entries made in the government records during the Updating Registry scheme. Therefore, the first respondent directed the second respondent to verify the entries in the said scheme. On verification of the records relating to the updating scheme of Hosur Taluk, revealed that the subject land is not private land and it is classified as Mechal Tarai. Therefore, the Sub Collector by an order dated 31.10.2014 ordered to reclassify the subject land as Mechal Tarai in the government records.

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

6. On 12.05.1994, the Special Tahsildar (Assignment) Hosur, Krishnagiri, has passed order and it revealed that the land ad measuring 0.52.50 hectare comprised in survey No.268/2 was possessed by Chinnapittamma @ Sarojamma, who is the vendor of the petitioner and by mistake during Survey of Updating Registry (UDR) one Venkatasamy's name was included in patta No.393 and on an appeal, the said mistake was rectified and the name of the said Venkatasamy was deleted and separate patta was issued in favour of the petitioner's vendor. Thereafter, she was also issued a patta pass book vide Patta No.546 and thereafter the petitioner has purchased the same and she was also issued Patta No.771.

7. Admittedly, no notice was issued to the petitioner or her vendor while reclassifying the subject land. The petitioner's vendor acquired the title over the property by the assignment issued by the Special Tashildar (Assignment) Hosur, vide proceeding dated 12.05.1994 in Mu.Mu.144/94/C2. Therefore, the non issuance of notice before the reclassification of land amounts to clear violation of the principles of natural justice. On the sole ground alone, the impugned order cannot be sustained and it is liable to be set aside.

8. Accordingly, the order dated 16.07.2018 passed by the first respondent in Pa.Mu.1982/2018/J-2, is hereby set aside. The matter is remanded back to the first respondent for fresh disposal and the first respondent is directed to issue notice to the petitioner and the counter parties, if any, within a period of two weeks from the date of receipt of a copy of this Order and thereafter conduct detailed enquiry, after giving opportunity of hearing to both the parties and pass order on merits and in accordance with law within a period of twelve weeks thereafter.



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9. 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,
Krishnagiri District.

2.The Sub Collector,
Hosur,
Krishnagiri District.

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

+1cc to Mr.R.Bharath Kumar, Advocate Sr No.54873
+1cc to the Government Pleader Sr No.55399

W.P. No.22366 of 2018

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