



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.14333 of 2021

and

W.M.P. No. 15224 of 2021

Manjunath,
S/o.Munusamy

... Petitioner

Vs.

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

2. The Tahsildar,
Hosur Taluk, Hosur,
Krishnagiri Dt.

3. T.S.Dhowdary,
S/o. Late T.Tanumanthappa

4. Kamaleshwara,
S/o. N.Shivashankar

5. Shanthalakshmi,
W/o. M.R.Shivasankar

6. Kittappa,
S/o. Marappa

7. Radhamma,
D/o. Kittappa

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records relating to the impugned proceedings dated 22.12.2017 passed in Pa.Mu.20903/2017/J2 on the file of the 1st respondent herein, quash the same.

For Petitioner : Mr.K.Govi Ganesan

For Respondents : Mr.Yogesh Kannadasan,
Government Advocate for R1 & R2



O R D E R

(The case has been heard through video conference)

The Writ Petition has been filed challenging the order passed by the 1st respondent rejecting the petitioner's request seeking for granting individual patta in respect of Survey No.758/B, situate at Poonapalli Village, Hosur Taluk, Krishnagiri District.

2. In view of this order is going to be passed in the present Writ Petition, which will not prejudice the interest of the respondents 3 to 7, the notice to the respondents 3 to 7 are dispensed with.

3. The grievance of the petitioner is that, he is the owner of property in the above said survey number for an extent of 4.35 acres. During the UDR scheme, a patta was issued to a lesser extent of 3.37 acres and for the remaining extent, patta has been granted in favour of some third party. In the said circumstances, the petitioner has approached the 1st respondent to rectify the mistake and issue a patta in respect of entire extent as claimed by him. Since the application is pending for a long time, the petitioner has approached this court seeking a direction to the 1st respondent to complete the enquiry in W.P.No. 16979 of 2017, and this court by an order dated 05.07.2017 directed the 1st respondent to dispose the same within a period of six weeks. Thereafter, enquiry was conducted, in which, the petitioner and the respondents 3 to 7 have appeared and raised their objections. However, the 1st respondent rejected the petitioner's application mainly on the ground that, this court fixed a time limit to dispose the application within a period of six weeks, and within that time limit, the petitioner was not able to produce any relevant document to establish his right. The 1st respondent has further held that, enquiry would be resumed as soon as the petitioner produce relevant document for consideration, and the petitioner has to approach the civil court to get a suitable order. Challenging the above said order, the present Writ Petition has been filed by the petitioner.

4. Mr.K. Govi Ganesan, learned counsel appearing for petitioner would submit that, the petitioner's grandfather had purchased a total extent of 4.35 acres and he is having relevant document for the same. Even though the petitioner has produced relevant document before the 1st respondent, the authority has hurriedly closed the enquiry without considering those documents and passed the impugned order. He would further submit that, the 1st respondent had assured that, the enquiry would be resumed as soon as the petitioner produce relevant documents. He would also submit that, the petitioner is ready and willing to produce



all the documents. Hence, the 1st respondent may be directed to conduct fresh enquiry and pass suitable orders.

5. Mr. Yogesh Kannadasan, learned Government Advocate appearing for respondents 1 and 2, on instructions, would submit that, in view of the order passed in the Writ Petition, the 1st respondent closed the enquiry, the petitioner was not in a position to produce documents to establish his title, however, an opportunity was given to the petitioner to produce the document and there is no error in the order.

6. Heard rival submissions made by learned counsel appearing for petitioner as well as learned Government Advocate and perused the records.

7. On perusal of the order passed by the 1st respondent, it could be seen that, as this court has directed the 1st respondent to dispose the petitioner's application within a time frame, in order to comply with the order, the 1st respondent has hurriedly passed the impugned order in order to avoid the contempt proceedings likely to be initiated against him. However, the 1st respondent has held that, he would resume the enquiry as soon as the petitioner produce relevant documents. It could also be seen that, the 1st respondent had passed the order hurriedly only with a view to complete the enquiry within a time frame fixed by this court. However, liberty was given to the petitioner to produce necessary document, in that event, enquiry would be resumed. Now, the learned counsel appearing for petitioner contended that, he is ready and willing to produce all the documents and the 1st respondent may be directed to re-open the enquiry and pass suitable orders after hearing all the parties on merit.

8. Considering those circumstances, the impugned order passed by the 1st respondent is set aside and the matter is remanded back to the 1st respondent to conduct fresh enquiry and pass suitable orders on merits after hearing the petitioner as well as contesting respondents 3 to 7 and also considering all the relevant documents within a period of twelve weeks from the date of receipt of a copy of this order. Accordingly, this Writ Petition stands allowed. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

s/d-
Assistant Registrar (CS-VI)

True Copy

Sub-Assistant Registrar



To

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

2. The Tahsildar,
Hosur Taluk, Hosur,
Krishnagiri Dt.

+1 Cc to The Government Pleader sr 33534

+1 Cc to Mr.K.Govi Ganesan, Advocate sr 33016.

W.P.No.14333 of 2021

UM(CO)
SP(13/08/2021)