



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2021

CORAM

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THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.18775 of 2021

B.K.Prabakar

...Petitioner

Vs.

1.The District Collector,
Krishnagiri District,
Krishnagiri.

2.The District Revenue Officer,
Krishnagiri District,
Krishnagiri.

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

4.The Tahsildar,
Hosur Taluk,
Krishnagiri District.

5.Sandu @ Mathanagirikan

...Respondents

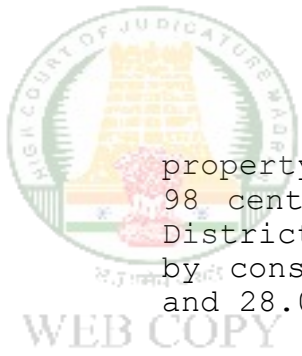
Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 4th respondent to issue patta in the name of B.N.Krishna Chetty and B.N.Chinna Krishna Chetty's legal heirs for the property comprised in S.No.27/2A and S.No.27/2B to an extent of 98 cents at Motham Agraharam Village, Hosur Taluk, Krishnagiri District pursuant to the recommendation of the 3rd respondent by considering the petitioner's representation dated 25.11.2019 and 28.08.2020.

For Petitioner : Mr.R.Jayaprakash

For respondents : Mr.Yogesh Kannadasan for R1 to R4
Government Advocate

ORDER

This petition has been filed for a mandamus to direct the fourth respondent to issue patta in the name of B.N.Krishna Chetty and B.N.Chinna Krishna Chetty's legal heirs for the



property comprised in S.No.27/2A and S.No.27/2B to an extent of 98 cents at Motham Agraharam Village, Hosur Taluk, Krishnagiri District pursuant to the recommendation of the third respondent by considering the petitioner representations dated 25.11.2019 and 28.08.2020.

2.The case of the petitioner is that the properties comprised in S.No.27/2A and S.No.27/2B to an extent of 98 cents at Motham Agraharam Village, Hosur Taluk, Krishnagiri District was purchased by his grandfather, viz., Annaiya Chetty @ Narayana Chetty by way of a registered Sale Deed dated 23.06.1930 registered vide Document No.1552 of 1930 before the Joint Sub-Registrar at Hosur.

3.The petitioner submits that his grandfather died leaving behind two sons viz., B.N.Krishna Chetty and B.N.Chinna Krishna Chetty and they are the legal heirs of the said B.N.Krishna Chetty and B.N.Chinna Krishna Chetty respectively and they are in peaceful possession and enjoyment of the said property.

4.The petitioner further submits that during UDR patta, the fifth respondent and his father's name had been wrongly entered in the patta in Patta Nos.111 and 80. According to the petitioner, the fifth respondent is no way entitled to the said properties.

5.According to the petitioner, he had sent a detailed representation along with the relevant documents to the respondents on 25.11.2019 and 28.08.2020 to remove the name of the fifth respondent from the patta issued in Patta Nos.111 and 80 and to issue patta in the name of the legal heirs of B.N.Krishna Chetty in respect of the properties comprised in S.No.27/2A and S.No.27/2B to an extent of 98 cents at Motham Agraharam Village, Hosur Taluk, Krishnagiri District.

6.The petitioner submits that the first respondent had issued summons on 07.09.2020 and enquiry was conducted by the third respondent, the third respondent had given a detailed report vide his proceedings in Na.Ka.No.696/2020/B3 dated 22.09.2020 to the second respondent as well as the fourth respondent sent a recommendation, the Village Administrative Officer, Motham Agraharam Village has also sent his recommendation to issue patta in their favour. But no effective action has been taken by authorities.

7.The petitioner has no other alternative remedy except to approach this Court under Article 226 of the Constitution of India. Hence, the writ petition filed.



8. Heard, learned counsel for the petitioner and the learned Government Advocate for the respondents 1 to 4 and perused the materials available on record.

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9. On going through the proceedings of the Revenue Divisional Officer proceedings dated 22.09.2020 in Na.Ka.No.696/2020/B3, wherein it has been stated that from one Bethakaragudu 0.98 acres has been purchased by Annaiya Chetty @ Narayana Chetty and after his demise, his children viz., the petitioner's father has orally partitioned the same and accordingly, the title deed No.67 in UDR patta has been sub divided into S.No.27/2A and S.No.27/2B and during UDR, Sallikhan son Nagan and Nagan son Sandu @ Madhanagirikan name has been crept in whereas based on the document S.No.27/2A and S.No.2/2B stands in the name of the petitioner's grandfather. Hence, the said Revenue Divisional Officer recommended for issuance of patta along with the statements received from the Village Administrative Officers, Land Surveyor and Tahsildar report to the District Collector, Krishnagiri.

10. In view of the above facts, this Court is of the opinion that the respondents shall pass appropriate orders based on the recommendations of the third respondent/the Revenue Divisional Officer along with the representations dated 25.11.2019 and 28.08.2020 sent by the petitioner, after giving sufficient opportunities to all the parties concerned, within a period of four months from the date of receipt of a copy of this order.

11. With the above directions, this Writ Petition is disposed of. No costs.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

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To

1. The District Collector,
Krishnagiri District,
Krishnagiri.



2.The District Revenue Officer,
Krishnagiri District,
Krishnagiri.

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

4.The Tahsildar,
Hosur Taluk,
Krishnagiri District.

+1 CC to Mr.R.Jayaprakash, Advocate sr 45101
+1 CC to The Government Pleader sr 45896.

W.P.No.18775 of 2021

PMK(CO)
SP(18/10/2021)