



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NO.19973 OF 2021

&

W.M.P.NO.21229 OF 2021

Munimarappa

... Petitioner

Vs.

1. The District Collector,
Krishnagiri District
Krishnagiri
2. The District Revenue Officer,
Krishnagiri District
Krishnagiri
3. The Revenue Divisional Officer,
Hosur,
Krishnagiri District
4. The Tahsildar,
Denkanikottai Taluk,
Krishnagiri District.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 4th respondent to remove the classification of petitioner's land as Anadheenam and consequently direct the 4th respondent to issue patta in the name of the petitioner in respect of the property comprised in S.No.66/1 to an extent of 55 cents situated at Malligarjunadurgam village, Denkanikottai Taluk, Krishnagiri District by considering the petitioner's representation dated 20.08.2021.

For Petitioner : Mr.R.Jayaprakash

For Respondents : Mr.Yogesh Kannadasan
Government Advocate



ORDER

This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 4th respondent to remove the classification of petitioner's land as Anadheenam and consequently, direct the 4th respondent to issue patta in the name of the petitioner in respect of the property comprised in S.No.66/1 to an extent of 55 cents situated at Malligarjunadurgam village, Denkanikottai Taluk, Krishnagiri District by considering the petitioner's representation dated 20.08.2021.

2. The brief facts of the case is that the property comprised in S.No.66/1 to an extent of 55 cents situated at Malligarjunadurgam village, Denkanikottai taluk, Krishnagiri District belongs to the petitioner and he is in peaceful possession and enjoyment of the property. The petitioner is paying kists without any default and all the revenue records are in the name of the petitioner and the petitioner has also constructed a house in the subject property. While that being so, the petitioner's land was classified as 'Anadeenam' in the A-Register and the same is due to the error caused by the respondents. Therefore, the petitioner addressed a representation along with relevant documents to the respondents on 20.08.2021 to remove the classification as 'Anadheenam' from the revenue records and to issue patta in the name of the petitioner in respect of the property at S.No.66/1, to an extent of 55 cents situated at Malligarjunadurgam Village, Dhenkanikottai, till date no action has been initiated and the respondents without any notice or proper valid reason is trying to demolish the house of the petitioner. Left with no other option, the petitioner is before this Court.

3. The learned counsel for the petitioner submits that the respondents ought to have made correction in the revenue records. Further, the petitioner has made out a prima facie case for the kind consideration of this Court and the balance of convenience is in favour of the petitioner. At present, the respondents are trying to demolish the house of the petitioner without any notice or valid reasons, which is against the manner known to law, thereby pleaded to allow the prayer sought for in this Writ Petition.

4. The learned Government advocate appearing for the respondents has produced a draft counter affidavit filed by the 4th respondent.

5. Heard the learned counsel on either side and perused the documents placed on record.



6. A perusal of the said draft counter affidavit filed by the 4th respondent would reveal that the land in S.No.66/1 measuring 0.81.5 hectare of Malligarjuna Durgam village in Denkanikottai has been classified as 'Anadeenam' or 'Assessed waste Dry' in the Government / Revenue records and Anadeenam is a kind of poromboke land and the land belongs to State Government. The petitioner has not submitted any records or documents to establish his claim and the said survey number has been selected for the provision of free house sites to the down trodden poor houseless 'Erular' Community people in the village. The petitioner wantonly encroached and entered in the government land and constructed a house.

7. The said draft counter further reveals that the petitioner is a mason by profession and not a agriculturist by profession. The petitioner never cultivated in the subject land and the land is lying waste. The value of the subject land is roughly estimated at about 40 lakhs and the petitioner in order to grab the valuable government land is claiming right over the said land. The Government has banned the assignment of the government lands to private person and the said land cannot be reclassified and patta cannot be granted for the said land.

8. That apart, it is reiterated in the said draft counter affidavit that the 4th respondent has passed orders on the representation of the petitioner in Na.Ka.No.2257/2021 (A3) dated 28.09.2021, rejecting the request of the petitioner and the house constructed by the petitioner is illegal and the said house will be evicted as per law.

9. Since the order has already been passed by the authority rejecting the claim of the petitioner made in the representation dated 28.09.2021, the prayer made in the writ petition has become infructuous and no orders could be passed by this Court. The 4th respondent / Tahsildar, Krishnagiri is hereby directed to send a copy of the said order to the petitioner by Registered Post with Acknowledgement due within a period of two weeks from the date of receipt of a copy of this order.

In view of the above, the Writ Petition is dismissed as infructuous. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

ssd



To

1. The District Collector,
Krishnagiri District
Krishnagiri
2. The District Revenue Officer,
Krishnagiri District
Krishnagiri
3. The Revenue Divisional Officer,
Hosur,
Krishnagiri District
4. The Tahsildar,
Denkanikottai Taluk,
Krishnagiri District

+1cc to M/s.R.Jayaprakash, Advocate, S.R.No.52113

+1cc to the Government Pleader, S.R.No.52033

W.P.No.19973 of 2021 &
W.M.P.No.21229 of 2021

PM(CO)
RLP(26/10/2021)