



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NO.20605 OF 2021

Nagaraj

... Petitioner

..Vs..

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

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

3. The Tahsildar,
Hosur Taluk,
Krishnagiri District.

4. Rajkumar

... Respondents

Prayer:

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first Respondent herein to dispose of the Petitioner's Revision dated 12.03.2021 filed for cancelling the Patta issued in the name of the fourth Respondent herein in respect of lands measuring 3262^{1/2} square feet in S.F.No.6/1A/1A/1A/4 situate at Hosur, Krishnagiri District in accordance with law and within a stipulated period.

For Petitioner : Mr.K.Govi Ganesan

For Respondents 1 to 3 : Mr.Yogesh Kannadasan
(Government Advocate)

For Respondent -4 : No Appearance



ORDER

The petitioner has filed a writ of mandamus to direct the first Respondent herein to dispose of the Petitioner's Revision dated 12.03.2021 filed for cancelling the Patta issued in the name of the fourth Respondent herein in respect of lands measuring 32621/2 square feet in S.F.No.6/1A/1A/1A/4 situate at Hosur, Krishnagiri District in accordance with law and within a stipulated period.

2. The learned counsel for the petitioner would submit that the petitioner resides at D.No.3/410, Bharathiar Nagar, Avalapalli Road, Hosur - 635 109, Krishnagiri District, in which the land measuring about 3262^{1/2} square feet in S.F.No.6/1A/1A/1A/4 situated at Hosur Town and Taluk, Krishnagiri District, initially belonged to his grandfather Narayanappa, who having purchased the same vide Sale Deed dated 28.10.1919 and registered as Document No.2009/1919 in Sub Registrar Office, Hosur. After the demise of the said Narayanappa, the petitioner's father namely Sowdappa, as only Legal heir, he succeeded to the same and was in possession and enjoyment of the same. The petitioner's father Sowdappa died on 13.01.2005 leaving behind the petitioner and others as his legal heirs. namely, Mr. Nagaraj (son), the petitioner herein, Kamalamma (daughter), Krishnappa (son) and Gopal (son). As Kamalamma and Gopal were allotted with some other properties, the petitioner and Krishnappa were in possession and enjoyment of the same. Subsequently, an Agreement of Sale dated 06.11.1996 was executed to one Ilavarasan, son of Subbaraya Gounder in respect of the above said property and registered as Document No.7116 of 1996 in SRO, Hosur. Thereafter, the same was cancelled by a Deed dated 24.8.1998 and registered as Document No.3839/1998 in SRO, Hosur. Subsequently, another Agreement of sale in respect of the above said property was executed and registered as Document No.3833/1998 in favour of one Periyasamy, son of Palaniappa and the same was also cancelled by the Deed dated 06.8.2020 and registered as Document No.8481/2020. From then onwards, they are in absolute possession and enjoyment of the said property. There are two houses in the said property and they are also assessed to property tax by Hosur Municipality. Under such circumstances, the petitioner along with his brother approached the third Respondent for obtaining Patta for the above said property, it was informed that the Patta stands in the name of the fourth Respondent herein. Further, it has also been wrongly mentioned as 'Poromboke' land. While the fourth Respondent had neither title nor right over the above said property, the Patta was erroneously issued in his name. Hence, on 17.11.2020, the petitioner has sent an appeal to the second Respondent herein under RPAD and the same was duly served on the second Respondent on 18.11.2020. Even receipt of the said



Appeal, the second respondent had kept pending the same without any disposal and orders. Hence, the petitioner had filed Writ Petition in W.P. No.2005 of 2021 before this Court whereby this Court by an Order dated 02.02.2021 was pleased to dispose of the same and the following order was passed:-

"6. Since the enquiry is already fixed, no further direction is required to be made except that the first respondent is directed to issue notice to all the parties who are likely to be affected by his decision and after providing the parties a fair and effective hearing, to dispose of the matter through a speaking order within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. The Writ Petition is disposed of accordingly.
No costs."

Pursuant to that, the second Respondent herein conducted the enquiry, but erroneously dismissed the appeal filed by the petitioner herein by an order dated 10.02.2021 in Proceedings No.Pa.Mu.3964/2020/B3. Against that, the petitioner has filed the Revision dated 12.03.2021 before the first Respondent herein and the same has been kept pending even after the expiry of nearly six months period and the same has not been disposed of so far. The first Respondent herein is duty bound to dispose of his statutory revision expeditiously and he had also got a legal right for the expeditious disposal of the same. But, the revision dated 12.03.2021 of the petitioner is not being disposed of for the reasons best known to the first respondent herein. Hence, the petitioner is left with no other remedy except to approach this Court by invoking its jurisdiction under Article 226 of the Constitution of India. Hence, this Writ petition.

3. The learned Government Advocate appearing for the respondents 1 to 3 would submit that the 1st respondent may be directed to dispose of the Revision dated 12.03.2021 filed against the order in Appeal dated 17.11.2020 of the second respondent herein within a time framed as stipulated by this Court.

4. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents 1 to 3 and perused the materials available on record.

5. On a perusal of the records, it is seen that the original order has been passed by the Revenue Divisional officer/2nd respondent herein on 10.02.2021. After passing the



aforesaid order, immediately, within a period of one month, the petitioner has filed an Revision before the authority concerned, namely, the District Revenue Officer/1st respondent herein, on 12.3.2021 against the order dated 10.02.2021 passed by the 2nd respondent herein wherein it has been held that as the petitioner is claiming right over the property based on the document No.2009/1919 and the respondent is also claiming right over the property based on the Sale Deed in document No.451 of 1886, prior to title of the petitioner, the prayer of the petitioner is dismissed and further it has been directed the petitioner to approach the competent Civil court for getting relief for the same. Thereafter, the petitioner has filed the revision before the Appellate authority ie. 1st respondent herein on 12.3.2021. Even though the said Revision has been filed within a period of one month, the petitioner's prayer has to be considered by the authorities concerned, namely, the first respondent and hence the 1st respondent is directed to pass appropriate orders on this revision dated 12.03.2021 within a period of six months from the date of receipt of copy of this order on merits in accordance with law.

6. This Writ petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed if any. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Lbm

To

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

+1cc to Mr.K.Govi Ganesan, Advocate, S.R.No.49893

+1cc to the Government Pleader, S.R.No.50492

W.P.No.20605 of 2021

RLD(CO)

CS/08/11/2021