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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2021

CORAM

THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WP.No.28222 of 2014 and  
MP.Nos.1 of 2014 & 1 of 2015

Susheelamma

...Petitioner

Vs

1.The District Revenue Officer,  
Krishnagiri District, Krishnagiri

2.The Tahsildar,  
Hosur, Krishnagiri District

3.The District Collector,  
Krishnagiri District

...Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records in proceedings No.Pa.Mu.No.7933/2013/J-2 dated 20.03.2014 issued by the first respondent and quash the same as illegal, incompetent and unconstitutional and further direct the respondents to restore the patta in the name of the petitioner to S.No.16/3 measuring 1.20 acres situated at Zuzuvadi Village, Hosur Taluk, Krishnagiri.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.Yogesh Kannadasan  
Government Advocate

ORDER

This writ petition is filed to issue a Writ of Certiorarified Mandamus calling for the records in proceedings No.Pa.Mu.No.7933/ 2013/J-2 dated 20.03.2014 issued by the first respondent and quash the same as illegal, incompetent and unconstitutional and further direct the respondents to restore



the patta in the name of the petitioner to S.No.16/3 measuring 1.20 acres situated at Zuzuvadi Village, Hosur Taluk, Krishnagiri.

2. The land comprised in survey No.16/3 admeasuring 1.20 acres was originally registered in the name of Vanganapalli Thimmaiya in patta no.65 as per the settlement register. The said Vanganapalli Thimmaiya died on 06.10.2017 and during the UDR scheme, he was not alive. However, before UDR, he executed Will dated 21.01.1967 bequeathing the property to his daughter Gowramma. She was cultivating the property till her death and thereafter it is in possession and enjoyment of the petitioner herein. However, in the year 1984-85, patta land was converted as 'grazing poramboke'. Therefore, the petitioner filed appeal before the first respondent for reclassification as patta land. While pending the appeal, the petitioner also filed writ petition before this Court in WP.No.11700 of 2013 and this Court by order dated 17.09.2013 directed to dispose of the representation within a period of four weeks. By the impugned order dated 20.03.2014, the first respondent rejected the claim of the petitioner for the reason that he had no power to reclassify the said land. Further, the petitioner did not produce any document to show that the petitioner or her predecessor was in possession and enjoyment of the said property.

3. On perusal of the records, produced by the petitioner i.e the Resurvey and Resettlement Register revealed the name Vanganapalli Thimmaiya for the property comprised in S.No.16/3 admeasuring 1.20 acres. However, the said document was not considered by the first respondent while passing the impugned order. That apart, the second respondent filed counter and revealed that the land comprised in the survey No.16/3 does not belong to the petitioner or her ancestors. It always remained as poramboke. Even the RSR registry does not reflect the name of the petitioner's grandfather i.e. Vanganapalli Thimmaiya.

4. However, there is no whisper about the document produced by the petitioner i.e. the Resurvey and Resettlement Register of the village. Considering the same, the impugned order cannot be sustained as against the petitioner and it is liable to be set aside. Accordingly, the impugned order dated 20.03.2014 is set aside and the same is remitted back to the first respondent for fresh disposal. It is made clear that the first respondent is directed to issue notice to the petitioner and counter parties, if any, within a period of two weeks from the date of receipt of copy of this order, and after giving them opportunity of hearing and considering the documents produced by the petitioner, and pass orders on merits and in accordance with law within a period of twelve weeks thereafter.



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5. With the above directions, this writ petition is allowed. Consequently, connected miscellaneous petitions are closed. No order as to costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

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

2.The Tahsildar,  
Hosur, Krishnagiri District.

3.The District Collector,  
Krishnagiri District.

+1cc to Mr.V.Raghavachari, Advocate SR. No.58092

+1cc to the Government Pleader SR. No.58030

WP.No.28222 of 2014

PCH (CO)

PR (01/12/2021)