



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.20790 of 2021
and W.M.P.No.22056 of 2021

1.S.Chinnaival
2.S.Sivagami
3.S.Ramesh

...Petitioners

Vs.

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

4. R.Saravanan

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a writ of Mandamus to direct the respondents to pass orders on the application submitted by the petitioner for cancellation of separate patta granted in favour of 4th respondent in respect of S.No.272/1, Karadihalli Village, Krishnagiri District, covered by Patta No.789, based on the representation submitted by the petitioner dated 09.12.2019 and 22.03.2021, within a time frame to be fixed by this Court.

For Petitioners : Mr.S.Sankaran

For Respondents : Mr.Yogesh Kannadasan for R1 to R3
Government Advocate



ORDER

This writ petition has been filed for a mandamus to direct the respondents 1 to 3 to pass orders on application submitted by the petitioner for cancellation of separate patta granted in favour of the fourth respondent in respect of S.No.272/1, Karadihalli Village, Krishnagiri district covered by Patta No.789 based on the representation submitted by the petitioner dated 09.12.2019 and 22.03.2021 with a time frame.

2.The case of the petitioners are that the land in S.Nos.66/1A, 66/2B, 74/1, 268/1, 272/1, 81/1 and 97/1, Karadihalli Village, Krishnagiri Taluk belongs to the legal heirs of late Rangasamy and the legal heirs of late Selvam and joint patta was issued in Patta No.789.

3.The petitioners submit that the first petitioner is the wife of late Selvam who expired on 28.08.1998 and hence the petitioners have been included as joint pattadars.

4.The petitioners further submit that the fourth respondent R.Saravanan is brother-in-law of the first petitioner and the legal heir of late Rangasamy is also one of the joint pattadars in Patta No.789 and the lands are jointly owned by the joint owners and the property remains to be an ancestral property.

5.According to the petitioners, the fourth respondent happened to be one of the joint owners of the subject lands covered by Patta No.789 and accordingly, the land in S.No.272/1 to an extent of 0.55.5 hec. alone has been sub-divided in his name with sub-division No.272/1A and the remaining extent of 0.02.5 hec. sub divided as S.No.272/1B including the names of the remaining six joint owners.

6.According to the petitioners, the application under the provisions of RTI Act regarding the details of sub-division taken place in land in S.No.272/1 having total extent of 0.57.5 hecs and it has been replied as per the proceedings of the third respondent dated 14.12.2015 that the lands in S.No.272/1 has been sub-divided as S.No.272/1A to an extent of 0.55.5 hec. in favour of the fourth respondent and in S.No.272/1B to an extent of 0.025 hec. in favour of six joint pattadars and further the sub-division was made based on the possession of the land.

7.The petitioners submit that any sub-division of land belonging to joint owners based on the possession of the land without causing any notice to other parties would be in violation of the Revenue Standing Orders as well as the procedure established under law.

8.The petitioners further submit that the representation sent to the respondents seeking to cancel the separate patta



granted in favour of the fourth responden, the first respondent/District Collector, Krishnagiri issued a communication to the third respondent/Tashildar, Krishnagiri to take appropriate action on the application for cancellation of patta granted in favour of the fourth respondent.

9. According to the petitioners, the second respondent has also forwarded a communication to the third respondent vide proceedings dated 16.12.2019 to take appropriate action on the application submitted by her for cancellation of separate patta granted in favour of the fourth respondent.

10. The petitioners submit that the third respondent has neither considered the application for cancelling the separate patta granted in favour of the fourth respondent nor he had conducted any enquiry based on the application submitted in spite of several communication from the District Collector and the District Revenue Officer for cancellation of the separate patta granted in favour of the fourth respondent.

11. The petitioners have no other alternative remedy except to approach this Court under Article 226 of the Constitution of India. Hence, the writ petition filed.

12. Heard, learned counsel for the petitioners and the learned Government Advocate for the respondents 1 to 3 and perused the materials available on record.

13. In view of the above facts and circumstances of the case and considering the submission made by the petitioners, this Court directs the second respondent/Revenue Divisional Officer, Krishnagiri District to consider the representations dated 09.12.2019 and 22.03.2021 and pass appropriate orders in accordance with law after affording an opportunity to all the parties concerned, within a period of six months from the date of receipt of a copy of this order.

14. With the aforesaid direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

pam/skr

To

1. The Collector,
Krishnagiri District,
Krishnagiri.



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

3. The Tahsildar,
Krishnagiri Taluk,
Krishnagiri.

+lcc to Mr.G.Sankaran, Advocate SR. No.50668
+lcc to the Government Pleader SR. No. 51247

W.P.No.20790 of 2021

KG (CO)
PR (01/12/2021)