



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 01.10.2021

CORAM:

WEB COPY

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.21223 of 2021

B.K.Prabakar

...Petitioner

Vs

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

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the fourth respondent to issue patta in the name of legal heirs of Late B.N.Krishna Chetty for the property comprised in S.No.288/3 to measuring to an extent of 0.20 Cents situated at Hosur Village, 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 has been filed for issuance of a Writ of Mandamus, directing the fourth respondent to issue patta in the name of legal heirs of deceased B.N.Krishna Chetty for the property comprised in S.No.288/3 measuring to an extent of 0.20 Cents situated at Hosur Village, Krishnagiri District by considering the petitioner's representation dated 20.08.2021.

2. According to the petitioner, the above said property belonged to the family of the petitioner and his father namely Krishna Chetty @ Periya Krishna Chetty, Rama Chetty and



Lakshamma were holding the joint Patta No.374 and were in peaceful possession of the said property. The aforesaid property in Survey No.288/1 situated at Hosur Village, Krishangiri District, was acquired by the Tamil Nadu Electricity Board and even before that the property comprised in S.No.288/2 situated at Hosur Village, Krishangiri District was acquired by the Railway Department. Whereas, the property in S.No.288/3 measuring to an extent of 0.20 Cents was not acquired by neither the Tamil Nadu Electricity Board nor the Railway Department and he has not received any compensation for the same, since the said property in S.No.288/3 was not acquired by the TNEB and Railway Board. However, the property in S.No.288/3 was originally belonged to his ancestors by way of sale deed in Document No.1733 of 1933 dated 15.06.1933. Thereafter, the said property was classified as per the Revenue Records, the same was wrongly entered as though the said property belonged to Tamil Nadu Electricity Board which is an error caused by the respondents. Subsequently, an error has crept and the same has to be rectified by the respondents. Therefore, the petitioner sent a representation dated 20.08.2021 to the respondents, but the same was kept in cold storage, till date, no action has been taken by the respondents to rectify the error. Hence, the petitioner has no other alternative remedy except to approach this Court under Article 226 of the Constitution of India. Hence this petition.

3. Heard both sides and perused the records.

4. It is seen from the typed set of papers and the relevant documents filed by the petitioner stating that Survey Nos.289, 288/1 and 288/3, it is clearly mentioned that kpd;rhuthhpa trpg;gplk; and joint patta No.374 stands in the name of the Krishna Chetty @ Periya Krishna Chetty, (2) Rama Chetty, and (3) Lakshamma, measuring to an extent of 0.20 cents in S.No.288/3, whereas, the aforesaid property has been converted into Tamil Nadu Electricity Board and the same has been acquired by the Railway Board, Hosur. Wherein, the S.No.288/1 measuring to an extent of 1.88 acre has been acquired by the TNEB as well as Railway, there is no Survey Number, such as 288/3 found in the said land acquisition proceedings.

5. Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's representation or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, with a direction to the 4th respondent/Tahsildar to consider the petitioner's representation dated 20.08.2021



after scrutinizing all the Revenue Records produced by the petitioner as well as the Tamil Nadu Electricity Board Officials and the Railway Department Officials, thereafter, pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and necessary parties within a period of six months from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

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

Krishnagiri District.

+1 cc to Mr.R.Jayaprakash, Advocate Sr.NO. 51320
+1 cc to Government Pleader Sr.NO. 52027

W.P.No.21223 of 2021

JP II(CO)
A.SK(26.11.2021)