



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2021

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NO.22547 OF 2021

Ramachandrappa

...Petitioner

Versus

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

2.Narayanappa

3.Ramamurthy

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus, directing the 1st respondent herein to consider the representation dated 16.08.2021 sent by the petitioner for rectifying the defects occurred during UDR Scheme in respect of the lands in S.F.No. 51/2 measuring an extent of 0.29.0 hectares, S.F.No.53/2 measuring an extent of 0.38.0 hectares, S.F. No.53/6 measuring an extent of 0.20.2 hectares, S.F. No.56/2 measuring an extent of 0.71.0, S.F. No.56/3 measuring an extent of 0.20.5 hectares, S.F. No.57/2 measuring an extent of 0.83.5 hectares, S.F. No. 19/5 measuring an extent of 0.36.5 hectares, S.F. 57/1 measuring an extent of 0.83.5 hectares, S.F.No.14/3 measuring an extent of 0.01.5 hectares, S.F. No.51/1 measuring an extent of 0.31.0 hectares, S.F. No.52/1B measuring an extent of 0.19.0 hectares, S.F. No.53/5 measuring an extent of 0.59.0 hectares, S.F. No.70/2 measuring an extent of 0.55.0 hectares and S.F. No.75/3 measuring an extent of 0.03.5 hectares, situate at Karupalli Village, Hosur Taluk, Krishnagiri District, in accordance with law and within a stipulated period.

For Petitioner : Mr.Govi Ganesan

For Respondents : Mr.Yogesh Kannadsan
Government Advocate for R1

O R D E R

This Writ Petition is filed for the issuance of a writ of mandamus, directing the 1st respondent herein to consider the representation dated 16.08.2021 sent by the petitioner for



rectifying the defects occurred during UDR Scheme in respect of the lands in S.F.No. 51/2 measuring an extent of 0.29.0 hectares, S.F.No.53/2 measuring an extent of 0.38.0 hectares, S.F. No.53/6 measuring an extent of 0.20.2 hectares, S.F. No.56/2 measuring an extent of 0.71.0, S.F. No.56/3 measuring an extent of 0.20.5 hectares, S.F. No.57/2 measuring an extent of 0.83.5 hectares, S.F. No. 19/5 measuring an extent of 0.36.5 hectares, S.F. 57/1 measuring an extent of 0.83.5 hectares, S.F.No.14/3 measuring an extent of 0.01.5 hectares, S.F. No.51/1 measuring an extent of 0.31.0 hectares, S.F. No.52/1B measuring an extent of 0.19.0 hectares, S.F. No.53/5 measuring an extent of 0.59.0 hectares, S.F. No.70/2 measuring an extent of 0.55.0 hectares and S.F. No.75/3 measuring an extent of 0.03.5 hectares, situate at Karupalli Village, Hosur Taluk, Krishnagiri District, in accordance with law.

2. The case of the petitioner is that the lands comprised in S.F.No. 51/2 measuring an extent of 0.29.0 hectares, S.F.No.53/2 measuring an extent of 0.38.0 hectares, S.F. No.53/6 measuring an extent of 0.20.2 hectares, S.F. No.56/2 measuring an extent of 0.71.0, S.F. No.56/3 measuring an extent of 0.20.5 hectares, S.F. No.57/2 measuring an extent of 0.83.5 hectares, S.F. No. 19/5 measuring an extent of 0.36.5 hectares, S.F. 57/1 measuring an extent of 0.83.5 hectares, S.F.No.14/3 measuring an extent of 0.01.5 hectares, S.F. No.51/1 measuring an extent of 0.31.0 hectares, S.F. No.52/1B measuring an extent of 0.19.0 hectares, S.F. No.53/5 measuring an extent of 0.59.0 hectares, S.F. No.70/2 measuring an extent of 0.55.0 hectares and S.F. No.75/3 measuring an extent of 0.03.5 hectares, situate at Karupalli Village, Hosur Taluk, Krishnagiri District, initially and jointly belong to one Petha Munusamy, Chinna Munusamy and Chinna Ramasamy, sons of Bangiyappa. The above said Petha Munusamy died leaving behind Giriappa and Chinna Ramasamy died leaving behind Bajjappa @ Poojappa and they were in absolute possession and enjoyment of the same. It is stated all the aforesaid persons died intestate and hence all their legal heirs succeeded to the above said lands. It is stated that the petitioner is the son of said Venkatesappa and after the death of his father and paternal fathers, all his legal heirs are jointly enjoying the property without any partition by metes and bounds.

3. It is stated the during UDR Scheme, the authorities erroneously issued the patta for the above said lands in the name of legal heirs of Chinna Ramasamy alone. It is further stated that no enquiry was conducted by the authorities at that time. It is further stated that after the death of Bajjappa @ Poojappa and Muniamma, their legal heirs namely the second and third respondents herein stated to interfere without possession stating that patta was issued in their ancestors' name and



therefore they are alone entitled to the above said lands as absolute owners. Hence, the petitioner sent a detailed representation dated 16.08.2021, to the first respondent requesting to cancel the patta issued in the names of the private respondents and issue a joint patta in the names of all the legal heirs. Since, there was inaction on the part of the first respondent, the petitioner approached this Court by way of filing this writ petition.

4. Learned counsel for the petitioner submitted that the first respondent is the competent authority to rectify the defects that occurred during the UDR Scheme as per G.O. No.385, dated 17.08.2004. He further stated that since no steps have been taken by the first respondent, the private respondents are taking steps to alienate the properties to the third parties.

5. Learned Government Advocate appearing for the first respondent submitted that this Court may direct the first respondent to dispose of the petitioner's representation dated 16.08.2021 and the same may be disposed of by the first respondent within a stipulated time.

6. Without expressing any opinion on the merits of the petitioner's case, this Court directs the first respondent to consider the petitioner's representation dated 16.08.2021 and after conducting enquiry and affording sufficient opportunities to the parties of being heard, pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

bkn

To

The District Revenue Officer,
Krishnagiri District,
Krishnagiri.

+1cc to Mr.K.Govi Ganesan, Advocate Sr.No.54429

+1cc to the Government Pleader Sr.No.55041

W.P.No.22547 of 2021

SMI (CO)
RVM(07/02/2022)