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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2021

CORAM:

THE HONOURABLE MRS.JUSTICE V BHAVANI SUBBAROYAN

W.P No.21928 of 2021

S.Ravi

..Petitioner

Vs

1.The District Collector,
Krishnagiri District,
Krishnagiri.

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

3.The Revenue Divisional Officer,
Pochampalli Taluk,
Krishnagiri District.

4.The Tahsildar,
Pochampalli Taluk,
Krishnagiri District.

5.Rajamanickam

6.Rajagopal

7.Duraisamy

8.Dhanapal

9.Krishnan

..Respondents

Prayer: This Writ Petition is filed under Section 226 of Constitution of India to issue a Writ of Mandamus directing the respondent authorities to cancel the patta granted in the name of the respondents 5 to 8 and other third parties with respect to the half share in the property admeasuring 2 acres and 35



cents comprised in Survey No.353, 2 acres and 55 cents comprised in Survey No.354, 4 acres and 25 cents comprised in Survey No.356/2, situated at Thadhampatti Village, Pochampalli Taluk, Krishnagiri District and also to mutate the revenue records in the name of the petitioner by considering the petitioner's representation dated 04.09.2021.

For Petitioner : Mr.R.Rajarajan

For Respondents : Mr.V.Veluchamy

Government Advocate for R1 to R4

O R D E R

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondent authorities to cancel the patta granted in the name of the respondents 5 to 8 and other third parties with respect to the half share in the property admeasuring 2 acres and 35 cents comprised in Survey No.353, 2 acres and 55 cents comprised in Survey No.354, 4 acres and 25 cents comprised in Survey No.356/2, situated at Thadhampatti village, Pochampalli Taluk, Krishnagiri District and also to mutate the revenue records in the name of the petitioner by considering the petitioner's representation dated 04.09.2021.

2. The case of the petitioner is that one Senni Gounder has got half share in the property admeasuring 2 acres and 35 cents comprised in Survey No.353, 2 acres and 55 cents comprised in Survey No.354, 4 acres and 25 cents comprised in Survey No.356/2, which are situated at Thadhampatti village, Pochampalli Taluk, Krishnagiri District. The said Senni Gounder was also owning larger extent of properties viz., agricultural land and house sites in the very same village apart from the half share in the survey numbers 353, 354 and 356 and he had executed a registered settlement deed dated 25.05.1954 bearing document No.402/1954 on the file of SRO, Pochampalli conveying his half share in the aforementioned survey numbers viz., 353, 354 and 356 along with various other items to and in favour of his only son Srinivasan, represented by his mother guardian Janaki Ammal. The said Srinivasan died intestate and after his demise, the legal representatives of the said Srinivasan viz., Selvam and Ravi (the petitioner herein), and Manoharan have



partitioned the properties left by Srinivasan including the properties acquired by the said Srinivasan by virtue of the aforesaid settlement deed and they have entered into a registered partition deed dated 30.12.2011 vide document No.29/2012 on the file of SRO, Pochampalli. However, the half share acquired by Srinivasan in Survey No.353,354,356 was not included in the partition deed and is commonly enjoyed by the petitioner. Thus the petitioner, his brothers and sisters have absolute and joint possession and enjoyment of the aforementioned properties viz. half share in Survey No.353,354 and 356.

3. The respondents 5 to 8 and others are falsely claiming right over the aforementioned properties stealthily approached the revenue authorities and obtained patta in their name suppressing the aforesaid settlement deed dated 25.05.1954 and the right of the petitioner. The said lands are classified as Dry Survey numbers and the title documents are also standing in the name of Srinivasan. The petitioner has made several representations to the respondent authorities to cancel the patta granted in the name of the respondents 5 to 8 and other third parties with respect to the half share in the property admeasuring 2 acres and 35 cents comprised in Survey No.353, 2 acres and 55 cents comprised in Survey No.354, 4 acres and 25 cents comprised in Survey No.356/2, situated at Thadhampatti village, Pochampalli Taluk, Krishnagiri District and also to mutate the revenue records in the name of the petitioner. Despite several representations the respondent authorities have not taken any action. Therefore, the petitioner was constrained to send a representation dated 04.09.2021 by RPAD. However, there was no action taken by the respondent authorities on the petitioner's representation. Hence the present petition.

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

5. Without going into the merits of the case, this Court is inclined to direct the respondents 1 to 4 to consider the representation of petitioner dated 04.09.2021 and pass orders on merits and in accordance with law within a period of five months from the date of receipt of copy of this order.



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6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-VII)

// True Copy //

Sub Assistant Registrar

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To

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

+1CC to Mr.R.Jajendran, Advocate, SR.No. 53631

W.P No.21928 of 2021

PVS(CO)
B.VC (08/11/2021)