



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2021

CORAM

THE HON'BLE Mr. JUSTICE C.V.KARTHIKEYAN

W.P.No.20422 of 2020

and

W.M.P.No.25201 of 2020

K.R.Periyasamy

.. Petitioner

Vs.

1. The District Collector,
Krishnagiri District,
Krishnagiri.
2. The District Revenue Officer,
Krishnagiri,
Krishnagiri District.
3. The Tahsildhar,
Pochampalli Taluk,
Krishnagiri District.
4. The Block Development Officer,
Kaveripattinam,
Pochampalli Taluk,
Krishnagiri District.
5. The Revenue Inspector,
Parur Revenue Firka,
Pochampalli Taluk,
Krishnagiri District.
6. The Village Administrative Officer,
Vadamangalam village,
Pochampalli Taluk,
Krishnagiri District.
7. The President,
Vadamangalam village,
Pochampalli Taluk,
Krishnagiri District.



8. The Executive Officer,
Vadamangalam Village Panchayat,
Kaveripattinam,
Pochampalli Taluk,
Krishnagiri District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorified Mandamus calling for the records relating to the impugned proceedings of the 3rd respondent in Na.Ka.2063/2020/A2 dated 03.12.2020 and quash the same and consequently, direct the 2nd respondent to conduct the enquiry and pass orders on the petitioner's representation dated 11.12.2017 in an independent manner and also on merits without getting influence from the orders of the 3rd respondent herein which was made in his proceeding in Na.Ka. 2063/2020/A2 dated 03.12.2020 .

For Petitioner : Mr. A.Ilayaperumal

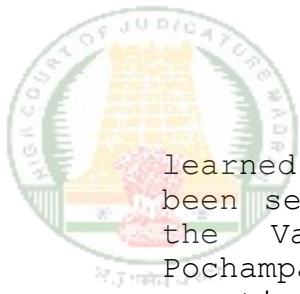
For Respondents : Mr.K.M.D.Muhilan
(Govt.Advocate)

ORDER

This Writ Petition has been filed in the nature of Certiorarified Mandamus seeking interference with the order of the 3rd respondent, the Tahsildar, Pochampalli Taluk, Krishnagiri District in Na.Ka.2063/2020/A2 dated 03.12.2020 and thereafter, directing the 2nd respondent / District Revenue Officer, Krishnagiri District, to conduct an enquiry on the representation given by the petitioner dated 11.12.2017 without being influenced by order of the Tahsildar, Pochampalli.

2.Even before examining the facts, I am confident that the District Revenue Officer being an officer holding a post superior to the Tahsildar, Pochampalli, will certainly examine any issue presented before him independently and without being influenced by any of the remarks passed by the Tahsildar who is a junior and as against whose order he practically sits as Appellate Authority. Let the apprehension of the petitioner be removed on this particular aspect.

3.Quite apart from that, it is stated by Mr.A.Ilayaperumal,



learned counsel for the petitioner that 10 cents of land had been settled by the forefathers of the petitioner in favour of the Vadamangalam Village Panchayat in Kaveripattinam in Pochampalli Taluk, Krishnagiri District. The petitioner does not question such settlement. He abides with the settlement granted by the forefathers to the Panchayat. But when he applied for patta, not just the 10 cents, but it has been mentioned that additional 5 cents are also government lands and for that patta had been refused to grant by the respondents herein. That is the impugned order which is now being questioned by the petitioner.

4. In the course of the impugned order, the Tahsildar, Pochampalli / 3rd respondent had also stated that he had forwarded the representation of the petitioner dated 11.12.2017 to the District Revenue Officer, Krishnagiri District, to examine the representation afresh and thereafter invite the petitioner for an enquiry calling upon the petitioner to produce relevant records, examine the revenue records already been available in the registers and thereafter pass a considered order on the representation dated 11.12.2017.

5. The District Revenue Officer, in the course of his enquiry may also issue notice to the President or to the Executive Officer of Vadamangalam Village Panchayat and also examine their records particularly, the settlement deed dated 24.08.1960 registered as Document No.2803 of 1960.

6. The learned counsel for the petitioner, however, states that the reasoning of the Tahsildar should not influence the District Revenue Officer. They certainly will not and let the District Revenue Officer independently examine the representation of the petitioner and pass an order and in the course of the order, he has a right to interfere with the order of the Tahsildar, Pochampalli, 3rd respondent.

7. Let the 2nd respondent conduct a detailed enquiry and the petitioner herein may also give a fresh copy of the representation dated 11.12.2017 enclosing herewith all requisite documents which he relies on to the District Revenue Officer. Such a copy of the representation may be forwarded within a period of three weeks from the date of receipt of a copy of this order and thereafter, the District Revenue Officer may conduct the enquiry in the aforesaid manner and pass orders within a period of twelve weeks from the date of receipt of a copy of the representation dated 11.12.2017.



8. With the above observations, the Writ Petition is disposed of. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

WEB COPY

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

smv/grs

To

1. The District Collector,
Krishnagiri District,
Krishnagiri.
2. The District Revenue Officer,
Krishnagiri,
Krishnagiri District.
3. The Tahsildhar,
Pochampalli Taluk,
Krishnagiri District.
4. The Block Development Officer,
Kaveripattinam,
Pochampalli Taluk,
Krishnagiri District.
5. The Revenue Inspector,
Parur Revenue Firka,
Pochampalli Taluk,
Krishnagiri District.
6. The Village Administrative Officer,
Vadamangalam village,
Pochampalli Taluk,
Krishnagiri District.

+1cc to Mr.A.Ilaya Perumal, Advocate, S.R.No.41213
+1cc to the Government Pleader, S.R.No.41476

W.P.No.20422 of 2020

GPL(CO)
SU(17/09/2021)