



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P. NO.14650 OF 2017

N.Murugan

... Petitioner

-Vs-

1. The District Revenue Officer,
Office of the District Collectorate,
Krishnagiri, Krishnagiri District.
2. The Sub Collector, Hosur,
Krishnagiri District.
3. The Tahsildar,
Soolagiri Taluk Office,
Soolagiri, krishnagiri District.
4. Basavaraj
5. Magesh

... Respondents

Prayer :-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the first respondent herein relating to Pa.Mu.No.4695/2017/J2 dated 30.03.2017, quash the same and consequently direct the first respondent to rectify the defects occurred in Survey No.137/3A2 and 137/3A3 as per the recommendation of Tahsildar issued in Na.Ka.1104/2015/G1 dated 28.11.2015 within the time to be stipulated by this Court.

For Petitioner : Mr.V.Ayyapparaja

For Respondents

For R1 to R3 : Mr.M.R.Gokul Krishnan
Government Advocate
For R4 : Mr.K.Jayaraman
For R5 : Mr.P.Subba Reddy



ORDER

The Writ Petition has been filed to call for the records of the first respondent herein relating to Pa.Mu.No.4695/2017/J2 dated 30.03.2017, quash the same and consequently direct the first respondent to rectify the defects occurred in Survey No.137/3A2 and 137/3A3 as per the recommendation of Tahsildar issued in Na.Ka.1104/2015/G1 dated 28.11.2015 within the time to be stipulated by this Court.

2. The case of the petitioner is that one Nanjaija owned land ad measuring 1.14 acre in survey No.137/3A2 and the land ad measuring 30 cents in survey No.137/3B totally 1.44 acres, at Enusonai Village, Hosur Taluk Krishnagiri District. He sold the land to an extent of 40 cents out of 1.44 acres comprised in survey No.137/3A2 by the registered sale deed dated 10.12.1986 vide document No.988/1986 to one Venugopalasamy. On the same day, he also executed another sale deed in respect of the property ad measuring 40 cents in favour of one Ashwathnarayanappa by the registered document No.989/1986. Subsequently, by other two sale deeds, he also sold out 3 cents to others and thus out of 1.14 acres of land, he had sold out 81½ cents of land leaving the balance extent of 32½ cents. The said Nanjaiya also sold out the land ad measuring 30 cents in survey No.137/3B in favour of the petitioner by the registered sale deed dated 29.05.2006 registered vide document No.1456/2006. After his demise, his daughter executed a sale deed in respect of the land ad measuring 32½ cents, in favour of the petitioner on 31.05.2013 registered vide document No.2138 of 2013. The petitioner also purchased the land to an extent of 90 cents comprised in survey No.137/3-C and 3-D from one Veerapathraya.

3. After purchase, the petitioner applied for computerised "A" Register extract and patta in respect of the land to an extent of 62½ cents comprised in survey Nos.137/3A2 and 137/3B and the land to an extent of 90 cents comprised in survey No.137/3-C and 3-D. Further the revenue records have wrongly shown the survey No.137/3A3 instead of 137/3A2. Therefore, the petitioner submitted represented on 08.07.2013 before the District Collector, during the public grievance day. It was forwarded to the third respondent for enquiry. Accordingly, the third respondent conducted enquiry and recorded statement of the parties and sent report dated 28.11.2015 to the second respondent herein, thereby pointing out the error crept in, in the revenue records and recommended for rectification of the defects in the revenue records to the first respondent. However, the first respondent rejected the petitioner's claim for the reason that the petitioner failed to produced any original deed for rectification of defects and the vendor of the subject



property was not appeared. Further the respondents 4 & 5 filed suit in respect of the very same property for declaration and injunction and the same is pending in O.S.No.87 of 2014 on the file of the District Munsif Court, Hosur, in which, the petitioner is a party. Hence, the petitioner filed this Writ Petition with the above said prayer.

4. Heard Mr.V.Ayyapparaja, learned counsel appearing for the petitioner, Mr.M.R.Gokul Krishnan, learned Government Advocate appearing for the respondents 1to 3, Mr.K.Jayaraman, learned counsel appearing for the fourth respondent and Mr.P.Subba Reddy, learned counsel appearing for the fifth respondent.

5. The learned counsel appearing for the petitioner would submit that now the petitioner is ready and willing to produce all the original documents in respect of the land to an extent of 62½ cents.

6. Though the petitioner is ready and willing to produce all the documents, the suit filed by the respondents 4 & 5 is pending before the civil Court in respect of the very same property. Therefore, this Court finds no illegality or infirmity in the order passed by the first respondent and the Writ Petition is liable to be dismissed. However, if the petitioner succeeds in the suit filed by the respondents 4 & 5 herein, the petitioner is at liberty to approach the first respondent for rectification in the revenue records in respect of the subject property comprised in survey No.137/3A2 and survey No.137/3B to an extent of 0.24.0 hectares.

7. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rts

To

1. The District Revenue Officer,
Office of the District Collectorate,
Krishnagiri, Krishnagiri District.



2. The Sub Collector, Hosur,
Krishnagiri District.

3. The Tahsildar,
Soolagiri Taluk Office,
Soolagiri, Krishnagiri District.

+1cc to Mr.R.Bharath Kumar, Advocate, S.R.No.57576

+1cc to Mr.P.Subba Reddy, Advocate, S.R.No.57224

+1cc to the Government Pleader, S.R.No.57643

W.P. No.14650 of 2017

SSV(CO)
PM/29/11/2021