



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.08.2021

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

WP.No.33289/2019 & WMP.No.33753/2019

[Video Conferencing]

K.Sivan

... Petitioner

Versus

The Tahsildar
Pochampalli Taluk
Krishnagiri District
Krishnagiri.

... Respondent

Prayer : -

Writ Petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus calling for the records relating to the impugned order passed by the respondent dated 14.11.2019 made in application No.2019/0103/31/118551 for issuance of patta and to quash the same, consequently direct the respondent to issue patta in favour of the petitioner in respect of the land comprised in survey No.795/1 situated Mookampatti Village, Pochampalli Taluk, Krishnagiri District measuring an extent of 1.75 acres forth with.

For Petitioners : Mr.C.Prabakaran

For Respondent : Mr.Yogesh Kannadasan
Government Advocate

ORDER

- (1) The writ petition has been filed in the nature of a certiorarified mandamus seeking to interfere with the order dated 14.11.2019 purportedly made by the respondent/Tahsildar, Pochampalli Taluk, Krishnagiri District with respect to the application in



No.2019/0103/31/118551, which application was made seeking issuance of patta.

- (2) Heard Mr.C.Prabakaran, learned counsel for the petitioner and Mr.Yogesh Kannadasan, learned Government Advocate for the respondent.
- (3) A counter affidavit has been filed by the respondent/Tahsildar, wherein, in paragraph No.12, he has stated that the Zonal Deputy Tahsildar had actually passed an order now complained in the present writ petition and that the said order is legally correct.
- (4) Mr.C.Prabakaran, learned counsel for the petitioner now drew the attention of this Court to the particular order which had been passed where it is only stated that the application is rejected. Reasons have not been given. It has also not been disclosed that the said order has been passed by the Zonal Deputy Tahsildar. The competency of the Zonal Deputy Tahsildar to pass such an order, is also questionable. Magisterial powers are not granted to the Zonal Deputy Tahsildars, but only to the Special Tahsildars who are normally called as the Special Executive Magistrates and under that category, the Zonal Deputy Tahsildar certainly does not fall. The competency also has to be examined in this particular case.
- (5) That being the reason, naturally the order now complained of in this writ petition, has to be interfered with and set aside and the matter is reverted, without examining the facts stated in the writ petition, back to the Tahsildar, Pochampalli Taluk, Krishnagiri District and I hope that the officer would realize the significance of examining the representation given by a citizen of this country relating to his valuable land. The attitude of the Tahsildar, Pochampalli Taluk, / respondent herein, in delegating that particular work to the Zonal Deputy Tahsildar is seriously condemned and I hope that the learned Government Advocate would bring to the notice of the Tahsildar, the importance of passing an order, viz., a detailed order, after hearing the petitioner herein with respect to the representation dated 01.10.2019.
- (6) The writ petition is allowed and the impugned order dated 14.11.2019 passed by the respondent is set aside with a direction to the respondent to re-examine and revisit the representation, issue notice to the petitioner, afford an opportunity of hearing to the petitioner and thereafter, pass a considered order. In any way, the said exercise is to be completed within a period of sixteen weeks from the



date of receipt of a copy of this order. No costs.
Consequently, the connected miscellaneous petition is
closed.

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Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

AP

To

The Tahsildar
Pochampalli Taluk
Krishnagiri District
Krishnagiri.

+1cc to Mr.C.Prabakaran, Advocate, S.R.No.39143
+1cc to the Government Pleader, S.R.No.39098

WP.No.33289/2019

GPL(CO)
CT(24/08/2021)