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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2021

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.33810 of 2019

Ellapa @ Lingappa

... Petitioner

-Vs-

1. The District Revenue Officer,
Krishnagiri District.

2. The Sub Collector,
Sub Collector Office,
Hosur,
Krishnagiri District.

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

... Respondents

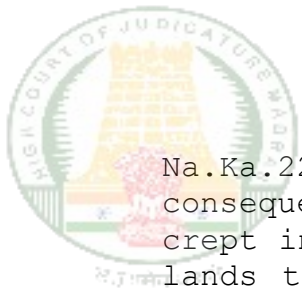
Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent relating to the proceedings in Na.Ka.2265/2019/J2, dated 03.09.2019, quash the same and consequently direct the first respondent to rectify the mistakes crept in, in the computerized patta and chitta in respect of the lands to an extent of 4.24 acres comprised in Survey No.757 of Mookondapalli Village, Hosur Taluk, Krishnagiri District, within the time to be stipulated by this Hon'ble Court.

For Petitioner : Mr.R.Bharath Kumar

For Respondents : Mr.V.Jeevagiridharan
Additional Government Pleader

ORDER

This Writ Petition has been filed for the issuance of Writ of Certiorarified Mandamus, calling for the records of the first respondent relating to the proceedings in



Na.Ka.2265/2019/J2, dated 03.09.2019, quash the same and consequently direct the first respondent to rectify the mistakes crept in, in the computerized patta and chitta in respect of the lands to an extent of 4.24 acres comprised in Survey No.757 of Mookondapalli Village, Hosur Taluk, Krishnagiri District, within the time to be stipulated by this Hon'ble Court.

2.Heard Mr.R.Bharath Kumar, learned counsel appearing for the petitioner and Mr.V.Jeevagiridharan, learned Additional Government Pleader appearing for the respondents.

3.The land ad-measuring 4.24 acres comprised in Survey No.757, Mookondapalli Village, Hosur Taluk, Krishnagiri District, originally belong to the petitioner's great grand father, Kullakadu, who had purchased the said property by way of a registered sale deed, dated 20.12.1929, registered vide Document No.409 of 1930 in the office of Sub Registrar, Hosur from one Munigadu. In fact, after the purchase, the petitioner's great grand father, mortgaged the said property on 03.04.1950 and the said mortgage deeds were registered as Document No.697 of 1950, and Document No.684 of 1963, dated 01.04.1963. Subsequently, the subject property was discharged from the mortgagee.

4.After the demise of the petitioner's great grand father, his grand father one Chinnalingappa, derived title over the property and after his death, the petitioner's father derived title over the property and enjoyed the same. While being so, the petitioner's father also died on 06.06.1994, leaving behind the petitioner and other legal heirs to succeed his state. The revenue records in respect of the land comprised in Survey No.757 were also mutated and the old SLR extracts stands in the name of the petitioner's great grand father. Thereafter, the petitioner and other legal heirs were issued computerized patta and chitta in respect of the said land under Patta No.1756. However, during Updating Registry Scheme (UDR), the subject land had been wrongly classified as "Anadheenam" in the 'A' Register.

5.After coming to the knowledge about the same, the petitioner submitted a representation, dated 19.12.2014, requesting the respondents to rectify the wrong classification. The said representation was forwarded to the third respondent. It was not considered and as such the petitioner was constrained to file a writ petition in W.P.No.4455 of 2016 before this Court. By an order dated 05.02.2016, this Court directed the second respondent to conduct an enquiry and pass orders. In



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fact, the third respondent had recommended for issuance of patta in the name of the petitioner and other legal heirs of his great grand father. On receipt of the report from the third respondent, the second respondent rejected the petitioner's request by an order dated 12.08.2016.

6. Aggrieved by the same, the petitioner preferred an appeal before the first respondent and the first respondent also rejected the appeal by an order dated 04.06.2018 for the reason that the petitioner failed to produce the necessary records to show his ownership. The petitioner challenged the said order before this Court in W.P.No.17684 of 2018. This Court by an order dated 20.11.2018, set aside the order passed by the first respondent and remanded back to the first respondent for fresh consideration. This Court while remanding the matter before the first respondent observed that the impugned order of the first respondent is per se illegal and is not sustainable. The first respondent had not applied his mind before passing the impugned order. Adverting to the order of the Tahsildar, who had scrutinized all the revenue records i.e the patta, chitta and adangal extracts and the registered sale deeds, mortgage deeds relating to the subject property and concluded that the classification of the land as Anadeenam is only a mistake and recommended to issue patta in favour of the petitioner, by the communication, dated 04.06.2018.

7. Further observed that the revenue records in respect of the subject land and the old SLR extracts stands in the name of the petitioner's great grand father Kullakadu. However, the first respondent observed that during the year 2014, in the register and the chitta extract, the subject land was classified as Anadeenam land. But the said conclusion is without any basis and he has not discussed as to how the classification of Anadeenam was allowed to be entered in the register. Instead of verifying those documents, the first respondent without application of mind simply rejected the revision preferred by the petitioner for the reason that the petitioner failed to furnish his title deeds and other documents.

8. On remittance, the first respondent by the impugned order dated 03.09.2019, again rejected the claim of the petitioner for the reason that the document referred by the petitioner of the year 1930 is in Telugu. The authenticated translated copy of the said document or the certified copy of the document was not furnished during the course of the enquiry. There are no order number, date, signature of the official etc., is in the Chitta / Government records about incorporating names



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of the Pattadar. The said entries are fabricated bogus entries made by some persons for their monetary benefits. It is up to the petitioner to furnish the original records details documents, certified copy etc., prior to the updating registry to establish his claim.

9. It is also curious to note that in the counter, the first respondent said that the land was valued at Rs.4 Crores and there is ban of assignment to Government lands to private persons. Admittedly, the petitioner never asked for assignment of land since, it is a patta land purchased by the great grand father of the petitioner from one Munusamy. Therefore, no question of assignment of subject land arise in this case. Further revealed that the petitioner's great grand father purchased the said property from one Munusamy. Whereas, the said Munusamy does not find place in the Government records. It is pertinent to note that from the year 1930, the petitioner's great grand father and his descendants are in possession and enjoyment of the property without any interference by third parties. Admittedly, there is no rival claim from anybody. Therefore, the petitioner need not prove his great grand father's vendor's title before the first respondent.

10. According to the first respondent, in the year 1984, the 'A' Register classified the subject land as Anadeenam for which also there is absolutely no evidence to show that from which records the subject land is reclassified as Anadeenam. The first respondent also failed to produce any piece of evidence to prove the same. When this Court specifically directed to verify all the documents which were produced by the petitioner while considering the request of the petitioner, the first respondent failed to verify those documents and mechanically again dismissed the claim of the petitioner herein.

11. In view of the above, the impugned order cannot be sustained as against the petitioner and it is liable to be set aside. Accordingly, the proceedings in Na.Ka.2265/2019/J2, dated 03.09.2019 of the first respondent is hereby set aside.

12. The first respondent is directed to reclassify the subject land to an extent of 4.24 acres comprised in Survey No.757 of Mookondapalli Village, Hosur Taluk, Krishnagiri District as patta land and order to issue patta in favour of the petitioner and other legal heirs, in respect of the property to an extent of 4.24 acres comprised in Survey No.757 of Mookondapalli Village, Hosur Taluk, Krishnagiri District, within a period of four weeks from the date of receipt of a copy of this order.



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13.In the result, this writ petition stands allowed.
There shall be no order as to costs.

Sd/-
Assistant Registrar (CS-VII)

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Sub Assistant Registrar

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To

1. The District Revenue Officer,
Krishnagiri District.
2. The Sub Collector,
Sub Collector Office,
Hosur,
Krishnagiri District.
3. The Tahsildar,
Taluk Office Hosur,
Hosur,
Krishnagiri District.

+1cc to Mr.R.Bharath Kumar, Advocate SR.No.69921
+1cc to the Government Pleader SR.No.69914

W.P.No.33810 of 2019

GSM(CO)
GN(21/01/2022)