



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MRS.JUSTICE N.MALA

W.A.No.257 of 2022

T.Ramachandran

.. Appellant / Petitioner

Vs

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

.. Respondents / Respondents

Prayer: Appeal under Clause 15 of the Letters Patent against the order dated 15.03.2021 in W.P.No.3308 of 2011.

Prayer in W.P.No.3308 of 2011:Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified Mandamus directing the 2nd Respondent to call for the records in his proceedings NA.KA.36780 / 2010 / J2 dated 24.12.2010 and quash the same as illegal, incompetent and without jurisdiction and further direct the 1st Respondent to issue patta based on the recommendation made by the 3rd Respondent.

For the Appellant : Mr.V.Lakshminarayanan

For the Respondents : Mr.P.Muthukumar
State Government Pleader
assisted by
Mrs.R.Anitha
Spl. Government Pleader



JUDGMENT
(Delivered by the Hon'ble Chief Justice)

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By this writ appeal, a challenge is made to the order dated 15.03.2021, whereby the writ petition filed by the appellant/writ petitioner to seek direction for grant of patta and to set aside the order dated 24.12.2010 was dismissed.

2. Learned counsel for the appellant submitted that in the "A" Register, the names of the appellant's ancestors exist and for that reason the land is in the possession of the appellant. For the purpose of development, the appellant prayed for grant of patta, but it was refused by the respondent/revenue authority without even providing an opportunity of hearing. Thus, the impugned order may be set aside and the matter may be remanded to the competent authority with a direction to hear the appellant before passing the order.

3. Learned counsel further submitted that the appellant would be in a position to prove that the land in question is under his occupation and the names of the appellant's ancestors were existing in the revenue record, but the same altered to insert it in the name of "Sarkar poramboke". The entry aforesaid was challenged by the appellant by submitting an application with a prayer to grant patta, however, the application of the appellant was rejected by the order dated 24.12.2010. Thus, the writ petition was filed.

4. Learned counsel for the appellant has also produced a copy of the revenue record to indicate that Survey No.3/3A and 3/3B were existing in the names of the appellant's ancestors and, therefore, he is in rightful possession and entitled to seek patta for the land. The prayer is, accordingly, to set aside the judgment of the learned Single Judge so as the order dated 24.12.2010 with a direction to the respondents to issue patta in favour of the appellant for the land in question.

5. We have considered the submissions of learned counsel for the appellant and also perused the materials available on record.

6. The appellant has made an application for grant of patta. The application aforesaid was considered after holding a survey and thereupon, the District Revenue Officer and Additional Executive Magistrate, Krishnagiri passed a detailed order on 24.12.2010. The prayer for grant of patta in favour of the appellant was not accepted for the reason that the land is recorded as "Sarkar poramboke" in the revenue record, with an indication of "cart track" and "lake" in Column 31 of the



Settlement Land Register (SLR). A finding in that regard has been recorded in the order dated 24.12.2010.

7. Learned counsel for the appellant, by referring to the revenue record (SLR) produced before this Court today, submits that the names of the appellant's ancestors exist in the revenue record. But by an illegal correction, their names were omitted and, therefore, a challenge to it was made with a prayer to grant patta in favour of the appellant. The second respondent rejected the application of the appellant and thereupon the challenge to the rejection order was not accepted by the learned Single Judge, ignoring the revenue records and the right of the appellant to seek patta of the land which was given to the appellant's ancestors as Grant (Inam).

8. The issue has been examined by the learned Single Judge in detail and we do not find any error therein. The appellant has failed to show any document to prove his title. If the land in question was given to the ancestors of the appellant as Inam, then, a copy of the Grant should have been produced to prove the right and title in the land. But no such document has been produced by the appellant. The learned Single Judge found that an entry of "Sarkar poramboke" was existing even prior to the UDR and subsequent thereto. The revenue record produced before this Court today by the appellant, no doubt, indicates the names of the ancestors of the appellant in one of the Columns, but in the relevant Column 31, it has been mentioned as "cart track" and "lake" and otherwise in the initial Column, it is shown as Government poramboke. No record has been produced to show that the names of the appellant's ancestors was ever shown in the revenue records so as the copy of the Grant (Inam). If the land was given by Grant, it should have been produced by the writ appellant to make a claim for the land shown to be "cart track" and "lake".

9. In view of the above, we do not find any reason to cause interference in the order of the learned Single Judge. Accordingly, the writ appeal fails and the same is dismissed. There will be no order as to costs. Consequently, C.M.P.No.1875 of 2022 is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar



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To:

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

+lcc to Mr.V.Lakshminarayanan, Advocate, S.R.No.35749
+lcc to the Government Pleader, S.R.No.36162

W.A.No.257 of 2022

GJ[co]
NSK/29/06/2022