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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.4695 OF 2022

Kantharaj

... Petitioner

.Vs.

1. The District Revenue Officer,
Krishnagiri District,
Krishnagiri.
2. The Revenue Divisional Officer,
Krishnagiri District,
Krishnagiri.
3. The Tahsildar,
Hosur Taluk,
Hosur,
Krishnagiri District.
4. Mariasamy Naicker

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Impugned proceedings dated 23.09.2021 passed in Pa.Mu.18837/2021/J2 on the file of the 1st Respondent herein, quash the same consequently, direct the 1st Respondent herein to re-hear the matter.

For Petitioner : Mr.K.Govi Ganesan

For Respondent : Mr.G.Nanmaran
Special Government Pleader
(for R1 to R3)



O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings dated 23.09.2021 passed in Pa.Mu.18837/2021/J2 on the file of the 1st respondent herein, quash the same consequently, to direct the 1st respondent herein to re-hear the matter.

2. The case of the petitioner is that, the petitioner enjoyed 15 sq.meters in the land comprised in S.No.205/30 situated at Koosthanapalli Village, Hosur Taluk, Krishnagiri District. Accordingly, Natham Patta was issued in favour of the petitioner. After UDR scheme, the extent was reduced for which the petitioner made a representation dated 07.10.2020 to rectify the mistake occurred during UDR Scheme. However, the said representation has not been considered. Hence, the petitioner has filed writ petition in W.P.No.8228 of 2021 before this Court. This Court by an order dated 31.03.2021 issued a direction to the 1st respondent herein to dispose the petitioner's representation. Pursuant to which the present impugned order was passed.

3. The learned counsel for the petitioner submitted that without going to the merits of the case, this Court permit the petitioner to file a appropriate civil suit as against the revenue officials and other aggrieved parties before the Competent Court and this Court further observes that without influencing the order passed by the Revenue Officials, the Civil Court may decide the matter independently, after providing opportunity to the petitioner, other revenue officials and aggrieved parties.

4. In view of the aforesaid submissions, considering the limited relief sought for by the petitioner, this Court without expressing any opinion on the merits of the case and without interfering in the impugned order in this writ petition, grant liberty to the petitioner to file appropriate suit before the Competent Court with regard to possession and enjoyment of the subject property. It is needless to say that without influencing any of the observations made by the Revenue Officials, the Civil Court may decide the matter independently based on the revenue records, after affording opportunity of hearing to the petitioner, other revenue officials and aggrieved parties.



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5. This writ petition is accordingly disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

dm/skt

To

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

+1cc to Mr.K.Govi Ganesan, Advocate, S.R.No.14354
+1cc to the Government Pleader, S.R.No.15069

W.P.NO.4695 OF 2022

RSI(CO)
PBS/21/03/2022