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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.21716 of 2015

Ellappa

...Petitioner

Vs.

1.The District Revenue Officer,
Krishnagiri District.

2.The Tahsildar,
Taluk Officer,
Hosur, Krishnagiri District.

...Respondents

PRAYER: The Writ Petition filed under Article 226 of Constitution of India, pleased to issue a Writ of Certiorarified Mandamus Calling for the records of 1st respondent relating to the impugned proceedings bearing Pa.Mu.29824/ 2013/J-2 dated 19.2.2014 quash the same and direct the respondents to issue patta in favour of the petitioner with respect to his lands S.F.No.138, 139, 140 & 141 measuring 6.60 Acres in Eechangur Village, Hosur Taluk, Krishnagiri District.

For Petitioner : Mr.V.Sakkarapani

For Respondents: Mr.M.Murali, Government Advocate

O R D E R

The petitioner has filed this petition for Writ of Certiorarified Mandamus to call for the records of 1st respondent relating to the impugned proceedings and quash the same and direct the respondents to issue patta in favour of the petitioner with respect to his lands S.F.No.138, 139, 140 & 141 measuring 6.60 Acres, in Eechangur Village, Hosur Taluk, Krishnagiri District.

2. The case of the petitioner is that originally the above said lands belonged to the petitioner's grandfather and being the legal heir, the petitioner succeeded to the above said landed properties and is in absolute possession and enjoyment of



the same. When the Inam Abolition Act was introduced, the said lands were wrongly classified as 'Anadheenam'. Since the petitioner's parents were illiterate, they did not take any steps to rectify the above said mistake. On 10.04.2012, the petitioner had sent a representation to the respondents, requested him to grant patta in respect of the above said lands and thereafter, it was forwarded to the 2nd respondent for further action and since no action was forthcoming, the petitioner had sent another representation dated 16.07.2012 and even then no action was taken. Hence, the petitioner has filed W.P.No.26500 of 2013, before this Court and the same disposed of on 05.11.2013 to consider his representation and inspite of the order of this Court, no action was taken and therefore, the petitioner was forced to seek remedy under the RTI and he also received a communication, wherein, it was informed that the petitioner was asked to appear for the enquiry before the 2nd respondent to submit documents on the said date and to his shock and surprise, the petitioner had received the impugned communication dated 19.02.2014, rejecting the request for issuance of patta. Aggrieved by the same, the petitioner is constrained to approach this Court by filing this Writ Petition.

3. The learned counsel appearing for the petitioner submitted that this Court may permit the petitioner to file appropriate application before the competent jurisdictional Court for establishment of his title. If the petitioner succeeds the Suit, liberty may be granted to the petitioner to file appropriate application before the authority for issuance of patta.

4. The learned Government Advocate appearing for the respondents has no serious objections for the said order being passed.

5. Considering the facts and circumstances of the case, this Court without going into the merits of the case, permits the petitioner to file an appropriate application before the competent jurisdictional Court for establishment of his title. If the petitioner succeeds the Suit, liberty is granted to the petitioner to file appropriate application before the competent authority for issuance of patta. Further, the Trial Court, without being influenced by any of the impugned order passed by the authority, shall decide the Suit independently.



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

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The District Revenue Officer,
Krishnagiri District.

2.The Tahsildar,
Taluk Officer,
Hosur, Krishnagiri District.

+1 CC to The Government Pleader sr 16708.

W.P.No.21716 of 2015

PM(CO)
SP(04/04/2022)