



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.6707 OF 2022

Manjula

... Petitioner

Vs.

1. The Tahsildar,
Tahsildar Office,
Hosur - 635 109.

2. Munisamy

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 05.02.2022 for cancellation of Patta No.1169 stands in the name of the second respondent and for issuance of separate Patta to the petitioner after sub-division of the lands measuring an extent of 6 cents comprised in Survey No.785/14 situated at Mornapalli Village, Hosur Taluk, Krishnagiri District to the petitioner.

For Petitioner : Mr.R.Bharath Kumar

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

The petitioner has filed this petition seeking direction to the first respondent to consider the petitioner's representation dated 05.02.2022 for cancellation of Patta No.1169 stands in the name of the second respondent and for issuance of separate Patta to the petitioner after sub-division of the lands measuring an extent of 6 cents comprised in Survey No.785/14 situated at Mornapalli Village, Hosur Taluk, Krishnagiri District to the petitioner.



2. Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for the first respondent. In view of the limited relief sought for in this petition and on the consent expressed by the learned counsel appearing on either side, this petition is taken up for final disposal.

3. Since, no adverse order is being passed against the second respondent, notice to the second respondent is dispensed with.

4. The case of the petitioners is that the property in Survey No.785/14, measuring an extent of 15 cents, situated at Moranpalli Village, Hosur Taluk, Krishnagiri District was originally belongs to Chennappa. After demise of the said Chennappa, his legal heirs namely, Munisamy, Venkatesh, Ramappa and Krishnappa have succeeded the property and mutated the Revenue Records in their names. Thereafter, the legal heirs of the said Chennappa entered into an oral partition and each of them allotted 3 cents and the remaining extent of 3 cents was left for the use of passage to the said lands. While so, the said Krishnappa and Ramappa had sold their lands measuring an extent of 6 cents in total to Rojamma, vide Sale Deed dated 30.06.1993, in Doc.No.2671 of 1993 on the file of SRO, Hosur. The said Rojamma had settled the property in favour of her son/Manjunatha, vide Settlement Deed dated 30.05.2003 in Doc.No.2199/2003. The said Manjunatha is the husband of the petitioner. Thereafter, the second respondent who is legal heir of the original land owner filed a suit in O.S.No.416/2006 before the Learned District Munsif-cum-Judicial magistrate-I, Hosur for declaration and also for permanent injunction against the said Manjunatha, and the said suit was dismissed on 27.10.2014. Thereafter, the said Manjunatha had settled the property in favour of the petitioner vide Settlement Deed dated 03.09.2021 in Doc.No.13437/2021 on the file of SRO, Hosur. Thereafter, petitioner had made an online application dated 27.11.2021, to the first respondent for sub-division and for transfer of Patta in her name. Thereafter, petitioner came to know that the second respondent had illegally obtained Patta from the first respondent for the above said property, for cancellation of the said Patta which stands in the name of the second respondent petitioner had made a representation on 05.02.2022 to the first respondent. However, till date no action has been taken by the first respondent. Hence, the present Writ Petition has been filed by the petitioner for the above relief.

5. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court may issue direction to the first respondent to consider the petitioner's representation dated 05.02.2022 and pass



appropriate orders within the time frame that may be fixed by this Court.

6. The learned Special Government Pleader appearing for the respondent submits that the petitioner's representation dated 05.02.2022, will be considered by the first respondent within the time frame that may be fixed by this Court.

7. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the first respondent to consider the petitioner's representation dated 05.02.2022, and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order, after affording an opportunity to the second respondent.

8. Accordingly, this writ petition is disposed of with the aforesaid direction. No costs.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

tri/nhs

To

The Tahsildar,
Tahsildar Office,
Hosur - 635 109.

+1cc to M/s.R.Bharath Kumar, Advocate, S.R.No.20721

+1cc to the Government Pleader, S.R.No.20590

W.P.No.6707 of 2022

SVI (CO)
RLP (12/04/2022)