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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.9713 of 2022

and

W.M.P. Nos. 9440, 9441 and 9442 of 2022

1. M.Ranganathan
2. V.Chitralkkha

... Petitioners

Vs.

1. The District Revenue Officer,
Krishnagiri District.
2. The Revenue Divisional Officer,
Hosur Taluk, Krishnagiri District.
3. The Tahsildar,
Hosur Taluk, Krishnagiri District.
4. Jeyaraman
5. Baskar
6. Manjunath
7. Aanjanappa
8. Naani @ Narayanaswami
9. Susilamma
- 10.Kanthamma
- 11.Venktalakshmiamma
12. Narayanamma

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records of the First Respondent in impugned order dated 15.02.2022 vide Pa.Mu.22356/2020/J2 which confirms the order passed by the Second Respondent vide Pa.Mu.2004/2018/B3 dated 26.09.2018 and quash the same as



illegal and invalid and consequently direct the Respondents 1 to 3 to restore the Patta No.2366 issued in favour of the Petitioners for S.No.257/3B in Begapalli Village, Hosur Taluk, Krishnagiri District.

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For Petitioners

: Mr.T.S.Baskaran

For R1 to R3

: Mr.A.Anandan
Government Advocate

O R D E R

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, calling for the entire records of the First Respondent in impugned order dated 15.02.2022, vide Pa.Mu.22356/2020/J2 which confirms the order passed by the Second Respondent, vide Pa.Mu.2004/2018/B3 dated 26.09.2018 and quash the same as illegal and invalid and consequently direct the Respondents 1 to 3 to restore Patta No.2366 issued in favour of the Petitioners for S.No.257/3B in Begapalli Village, Hosur Taluk, Krishnagiri District.

2. Mr.A.Anandan, learned Government Advocate takes notice for the respondents 1 to 3. In view of the limited relief sought for in this petition, on the consent expressed by the learned counsel appearing for either side, this Writ Petition is taken up for final disposal. Since no adverse order is passed against the respondents 4 to 12, notice to respondents 4 to 12 is dispensed with.

3. The case of the petitioners is that the petitioners' father one Mathaiyan purchased the property from one Narayanappa, Munisamappa and Ramakrishnappa on 24.12.1983, vide Document No.1214 of 1983 of an extent of 1.93 acres and joint patta was also issued in Patta No.1138. Subsequently, the petitioners' father purchased another extent of land on 04.09.1984 from one Gangamma and her son Rajappa who are the legal heirs of Nanjappa and took possession of the said property immediately after the registration. Subsequently, the second petitioner also purchased the property from Gangamma and her son Rajappa, vide Document No.780 of 2001 dated 23.02.2001. However, subsequently one Sambangiappa, who is the legal heir of Narayanappa and his son Venugopal created documents and forged settlement deed and claimed title over the property. Hence, the first petitioner filed a suit for declaration in O.S.No.196 of 2010 on the file of the District Munsif Court, Hosur and the said suit was decreed on 13.06.2011. While so, one Sundaram, suppressing the above said facts, obtained Power of Attorney



from the legal heirs of Sambangiappa, based on which, they created documents and made application to include the name of Sambangiappa, which is not sustainable one, since the said Sambangiappa had died. Challenging the earlier order passed by the second respondent, in which the second respondent restored the patta in favour of Nanjundappa and 7 others, the first petitioner filed an appeal before the first respondent on 19.10.2020. However, the first respondent erroneously arrived at a conclusion that the first petitioner, without verifying the extent in S.No.257, purchased the property from the legal heirs of Venkatasamy and whether any appeal is preferred as against the suit filed by the first petitioner in O.S.No.196 of 2010 and issued a direction to the Third Respondent/Tahsildar, Hosur to issue separate patta on the title possessed by the first petitioner. Challenging the same, this present petition is filed.

4. The learned counsel for the petitioners submitted that without going into the merits of the case, this Court may permit the petitioners to file an appropriate suit before the competent Civil Court for appropriate relief as against the observations made by the first respondent and this Court may also issue a direction to the Civil Court that, without influenced by the observations made in the impugned orders, the Civil Court shall decide the issue independently based on the merits and pass appropriate orders within the stipulated time as may be fixed by this Court.

5. Considering the facts and circumstances of the case, without interfering with the impugned orders passed by the first and second respondents, this Court is inclined to direct the Third Respondent/Tahsildar, Hosur to issue a separate patta as per the order passed by the first respondent. However, liberty granted to the petitioners to work out their remedy with regard to the observations made by the first respondent in respect of the property purchased from the legal heirs of Venkatasamy. If any such suit is filed, the Trial Court is directed to decide the issue independently, uninfluenced by any of the observations made in the impugned orders.

6. With the above directions, this writ petition stands disposed of. Consequently, connected Miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

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To

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

+1cc to M/s.T.S.Baskaran, Advocate, S.R.No.27891

+1cc to the Government Pleader, S.R.No.28371

W.P.No.9713 of 2022
and
W.M.P. Nos. 9440, 9441 and 9442 of 2022

RR(CO)
SU(11/05/2022)