



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2022

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.10217 of 2021

Y.Venkataswamy

... Petitioner

vs.

1.The District Revenue Officer,
Krishnagiri - 635 115,
Krishnagiri District.

2.The Sub-Collector,
Sub-Collector Office,
Hosur, Krishnagiri District.

3.The Tahsildar,
Taluk Office,
Shoolagiri - 635 117,
Krishnagiri District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of 1st Respondent issued in Pa.Mu.No.18535/2019/J2 dated 26.02.2021 confirming the order dated 15.03.2018 in Pa.Mu.No.3096/2018/B3 passed by the 2nd Respondent and quash the same and consequently direct the 1st Respondent to rectify the errors crept in, in the Revenue Records in respect of the lands comprised in Survey No.1064/8 measuring an extent of 1.25 acres situated at Tiyyaranadurgam Village, Shoolagiri Taluk, Krishnagiri District and issue computerized patta and Chitta to the Petitioner, within the time to be stipulated by this Court.

For Petitioner : Mr.T.Vedi

For Respondents : Mr.V.Jeevagiridharan
Additional Government Pleader

ORDER

This writ petition has been filed to issue a Writ of Certiorarified Mandamus, calling for the records of 1st respondent issued in Pa.Mu.No.18535/2019/J2 dated 26.02.2021



confirming the order dated 15.03.2018 in Pa.Mu.No.3096/2018/B3 passed by the 2nd respondent and quash the same and consequently, direct the 1st respondent to rectify the errors crept in, in the Revenue Records in respect of the lands comprised in Survey No.1064/8 measuring an extent of 1.25 acres situated at Tiyyaranadurgam Village, Shoolagiri Taluk, Krishnagiri District and issue Computerized Patta and Chitta to the petitioner, within the time to be stipulated by this Court.

2. The case of the petitioner is that the land comprised in S.No.1064/8 measuring to an extent of 1.25 acres situated at Thiyyaranadurgam Village, Shoolagiri Taluk, Krishnagiri District, originally belong to one Marappa, who acquired title to the said property by the assignment issued by the Special Tahsildar (Assignment), Krishnagiri, vide proceedings in A.M.533/1991 dated 09.07.1982. Subsequently, the said Marappa had sold and conveyed the said land by the sale deed dated 09.12.2004 registered vide Document No.358 of 2005 in favour of one M.Koteeswaran and the petitioner. Thus, the petitioner and M.Koteeswaran had title over the property. Thereafter, by the sale deed dated 19.10.2012 registered vide Document No.2131/2012, the petitioner also purchased the remaining share from the said M.Koteeswaran.

3. Thus, the petitioner have become absolute owner of the land ad-measuring to an extent of 1.25 acres comprised in S.No.1064/8. Originally, the revenue records stood in the name of the said Marappa viz., the vendor of the petitioner under Patta No.1131. Subsequently, by virtue of the above purchase, the revenue records were mutated in favour of the petitioner and co-owner viz., M.Koteeswaran by the proceedings of the Tahsildar dated 15.12.2005. After purchase of the share of the said M.Koteeswaran, the petitioner was issued computerized Chitta upto the year 2013 in respect of entire extent of the subject property.

4. When the petitioner applied for computerized patta, he came to understand that the land comprised in S.No.1064/8 is wrongly shown as '0' Patta and the petitioner enquired with the Revenue Officials, he was informed that the said land classified as 'Government Poramboke Land'. Therefore, the petitioner submitted representation before the 2nd respondent to rectify the errors crept in, in the revenue records in respect of the subject land and issuance of computerized patta and chitta in his favour. However, without considering the above facts, the 2nd respondent rejected the request made by the petitioner. Aggrieved by the same, the petitioner preferred revision on 17.10.2018 before the 1st respondent and it was also dismissed by the impugned order dated 26.02.2021. Hence, the present writ petition.



5. On perusal of the counter affidavit dated 02.09.2021 filed by the 1st respondent, revealed that the subject property has been classified as 'Anadeenam' in the Government records. It is belong to the State Government. The petitioner failed to furnish original 'D' card or any assignment records to establish the title over the property. There are no entries in the Government records about the assignment of land to Marappa. In fact, the Updating Registry Scheme was held in the year 1984 and even then the original assignee or the petitioner did not file any appeal.

6. On perusal of the revenue records, revealed that by the sale deed dated 09.12.2004 registered vide Document No.358 of 2005, the petitioner and one M.Koteeswaran had purchased the subject property. Thereafter, the share of the said M.Koteswaran was also purchased by the petitioner by the sale deed dated 19.10.2012 registered vide Document No.2131/2012 in respect of the subject property. Though the 1st respondent admitted the fact of assignment of the subject property in favour of Marappa and the mutation of revenue records in favour of the petitioner, without stating any classic reason, the 1st respondent rejected the request of the petitioner by citing irrelevant Government Order in G.O.Ms.No.118, dated 25.07.1989.

7. In view of the above, the order impugned in this writ petition cannot be sustained and it is liable to be quashed. Accordingly, the impugned order passed by the 1st respondent in Pa.Mu.No.18535/2019/J2 dated 26.02.2021 is quashed. The 1st respondent is directed to rectify the errors crept in, in the revenue records in respect of the subject land and issue Computerized Patta and Chitta in favour of the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

8. With the above direction, the writ petition is allowed. No costs.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

dm

To

1.The District Revenue Officer,
Krishnagiri - 635 115,
Krishnagiri District.



2.The Sub-Collector,
Sub-Collector Office,
Hosur, Krishnagiri District.

3.The Tahsildar,
Taluk Office,
Shoolagiri - 635 117,
Krishnagiri District.

+lcc to Mr.R.Bharath Kumar, Advocate, S.R.No.2298
+lcc to the Government Pleader, S.R.No.1954

W.P.No.10217 of 2021

PL(CO)
SB(07/02/2022)