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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.10221 of 2021

S.Krishnan

... Petitioner

vs.

- 1.The District Revenue Officer,
Krishnagiri - 635 115,
Krishnagiri District.
- 2.The Revenue Divisional Officer,
Office of the RDO,
Hosur - 635 109.
- 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.18435/2019/J2 dated 27.02.2021 and quash the same and consequently direct the 1st Respondent to rectify the errors crept in, in the Revenue Records in respect of lands comprised in Survey Nos.128/4 - 0.06.00 Hectares; 130/1 - 0.27.00 Hectares; 134/1 - 0.4.00 Hectares and 135/1 - 0.24.00 Hectares situated at Tiyanadurgam 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.18435/2019/J2 dated 27.02.2021 and quash the same and consequently, direct the 1st respondent to



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rectify the errors crept in, in the Revenue Records in respect of lands comprised in Survey Nos.128/4 - 0.06.00 Hectares; 130/1 - 0.27.00 Hectares; 134/1 - 0.4.00 Hectares and 135/1 - 0.24.00 Hectares situated at Tiyananadurgam 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.128/4, measuring to an extent of 0.06.00 hectares, the land comprised in S.No.130/1 measuring to an extent of 0.27.00 hectares, the land comprised in S.No.134/1 measuring to an extent of 0.4.00 hectares and the land comprised in S.No.135/1 measuring to an extent of 0.24.00 hectares situated at Tiyananadurgam Village, Shoolagiri Taluk, Krishnagiri District, originally belong to the petitioner's grandfather. He died interstate leaving behind his son as his surviving legal heir. After demise of his grandfather, all the revenue records were mutated in the name of the petitioner's father and other legal heirs. After demise of one of the legal heirs, the patta was transferred stood in the name of his father to the petitioner and others under Patta No.1176 dated 04.06.2004.

3. When the petitioner intended to avail agricultural loan to develop the subject properties, the petitioner applied for computerized Patta, Chitta, Adangal and the Village 'A' Register extract before the authority concerned. He came to understand that their names were wrongly deleted and classified as 'Anadeenam' in the revenue records. The classification of the subject lands were re-classified without any notice or without conducting any enquiry. Therefore, the petitioner submitted representation before the 1st respondent to rectify the errors crept in, in the revenue records and also for issuance of patta and chitta in his favour. However, the 1st respondent without considering the above, rejected the request made by the petitioner by the impugned order dated 27.02.2021.

4. On perusal of the counter affidavit dated 02.09.2021, revealed that the subject lands have been classified as 'Anadeenam' or 'Assessed Waste Dry' in the revenue records and belong to the Government of Tamil Nadu. While conducting enquiry, the petitioner failed to submit any records to establish his claim. There are no relevant entries in the revenue records about the assignment of the subject lands to Sembukan. After lapse of 15 years, the petitioner claiming the right over the valuable Government land. The 1st respondent has no power to declare the said lands as his patta lands.

5. On perusal of the records, revealed that the petitioner's grandfather was issued patta and after his demise, the entire revenue records were mutated in the names of the



petitioner and his family members. They were also issued patta. While being so, without any records mechanically re-classified the subject land as 'Anadeenam' or 'Assessed Waste Dry' and 'Poramboke'. That apart, the 1st respondent failed to furnish any valid reason for re-classifying the patta lands as 'Anadeenam' or 'Assessed Waste Dry' and 'Poramboke' during the Updating Registry Scheme.

6. 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.18435/2019/J2 dated 27.02.2021 is quashed. The 1st respondent is directed to rectify the errors crept in, in the revenue records in respect of the subject lands 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.

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

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Revenue Officer,
Krishnagiri - 635 115,
Krishnagiri District.
- 2.The Revenue Divisional Officer,
Office of the RDO,
Hosur - 635 109.
- 3.The Tahsildar,
Taluk Office,
Shoolagiri - 635 117,
Krishnagiri District.

+1cc to Mr.R.Bharath Kumar, Advocate, S.R.No.2299
+1cc to the Government Pleader, S.R.No.1954

W.P.No.10221 of 2021

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