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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No.12440 of 2022

and

WMP.No.11903 & 11904 of 2022

1. R.Puttanna
2. R.S. Narayana
3. R.Muniraju
4. Nanjamma
5. Chanamma @Lalitha
- 6, Nagarathana @ Nagamma

.. Petitioners

Vs.

- 1 The District collector
Collector Office, Krishangiri District.
- 2 The Public Works Department,
Krishangiri District.
- 3 The District Revenue Divisional Officer,
Krishangiri District.
- 4 The Revenue Divisional Officer,
Krishangiri District.
- 5 The Tashildar
Taluk Office, Hosur, Krishangiri District.
- 6 The Revenue Inspector,
Naligabetta Agraharam, Chennathur Taraf,
Hosur Taluk, Krishangiri District.
- 7 The Asst. Director,
Survey and land Records,
Dharmapuri, Krishangiri District.



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8 The Village Administrative Officer,
Naligabetta Agraharam village,
Chennathur Taraf, Hosur Taluk,
Krishnangiri District.

.. Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of Writs of Certiorari Calling for the records of the respondents relating to the order of the 4th respondent in Na.Ka.4569 /2021 / A2 dated 08/09/2021 passed by the 4th respondent against the petitioner and quash the same in so far as they relate to the petitioners.

For Petitioner : Mr. L.Chandrakumar
For Respondent : Mr. R.Vigneswaran, GA

O R D E R

This petition has been filed to quash the order in Na.Ka.4569 /2021 / A2 dated 08/09/2021 passed by the 4th respondent against the petitioners.

2. The case of the petitioner is that the patta land ad-measuring about 2.80 Acres in S.No.40/7 situated at Naligabetta Agraharam, Chennathur, Taraff of Hosur Taluk is the ancestral properties of the petitioners. Initially, the revenue authorities granted patta in favour their mother Gowramma in respect of the subject properties. Subsequently, the said patta was cancelled and in the revenue records, the officials made an entry that the land is classified as 'Anadeenam'. For removal of the said wrong entry, the petitioner made a representation to the officials but the same was not considered. Therefore, the petitioner filed a writ petition in W.P.No.20566/2021 and this Court, by its order dated 06.12.2021, disposed of the same by directing the respondents therein to considering the representation of the petitioner. Pursuant to which, the respondents rejected the petitioners representation and passed the present impugned order on 08.09.2021. Challenging the said order, the present writ petition has been filed with the above said prayer.

3. The learned counsel for the petitioners submitted that the petitioners are still in the possession and enjoyment of the subject properties and on the earlier occasion, the revenue officials issued patta in respect of the subject property in favour their mother. Subsequently, the said patta was cancelled only on the sole ground that the said land would be utilised for public purpose in future, which is not



sustainable one. The learned counsel seeks to quash the impugned order and allow the writ petition.

4. The learned Government Advocate submitted that as against the order passed by the 5th respondent, there is an effective remedy available that the petitioner has to file appeal only before the 4th respondent. Without exhausting the said remedy, the petitioner has filed the present writ petition, which not maintainable and the same has to be dismissed.

5. Heard, learned counsel for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

6. As rightly pointed out by the learned Government Advocate that the petitioner ought to have filed an appeal only before the 4th respondent. Considering the fact and circumstances of the case, this Court, without going into the merits of the case, directs the petitioner to file an appeal before the 4th respondent along with all the relevant documents within a period of four weeks from the date of receipt of a copy of this order. Upon receipt of such appeal, the 4th respondent shall consider the same and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks thereafter. Till then, the respondents are directed not to disturb the petitioners possession.

7. With the above directions, the writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

Rli

To

- 1 The District collector
Collector Office, Krishangiri District.
- 2 The Public Works Department,
Krishangiri District.



3 The District Revenue Divisional Officer,
Krishangiri District.

4 The Revenue Divisional Officer,
Krishangiri District.

5 The Tashildar
Taluk Office, Hosur, Krishangiri District.

6 The Revenue Inspector,
Naligabetta Agraharam, Chennathur Taraf,
Hosur Taluk, Krishangiri District.

7 The Asst. Director,
Survey and land Records,
Dharmapuri, Krishangiri District.

8 The Village Administrative Officer,
Naligabetta Agraharam village,
Chennathur Taraf, Hosur Taluk,
Krishangiri District.

+1cc to Mr.L.Chandrakumar, Advocate, S.R.No.34689

+1cc to the Government Pleader, S.R.No.31450

W.P. No.12440 of 2022

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NSK/01/07/2022