



W.P.No.36054 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2022

CORAM:

THE HONOURABLE MR. JUSTICE **M.DHANDAPANI**

W.P.No.36054 of 2016
and
W.M.P.No.30979 of 2016

N.Gurva Reddi

... Petitioner

Vs.

- 1.The District Collector,
Krishnagiri.
- 2.The Sub Collector, Hosur,
Krishnagiri Dostoroct.
- 3.The Tahsildar,
Hosur, Krishnagiri District.
- 4.The Block Development Officer,
Hosur, Krishnagiri District.
- 5.Prakash Reddi
- 6.Nagabushan Reddi
- 7.Premamma

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying for issuance of a Writ of Mandamus, directing the respondents 1



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to 3 herein to include 94 cents in Survey No.175 and 1 Acre 28 Cents in Survey No.161 in Thottaupparum Village and 1 Acre 50 cents in Survey No.83/1 and 3 Acres and 88 cents in Survey No.87/1 in Devaganapalli Village in the Patta of the petitioner.

For Petitioner : Mr.M.V.Krishnan
For R1 to R3 : Mr.U.Bharanidharan
Additional Government Pleader
For R5 & R6 : Ms.R.Poornimal

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus to direct the respondents 1 to 3 herein to include 94 cents in Survey No.175 and 1 Acre 28 cents in Survey No.161 in Thottaupparum Village and 1 Acre 50 cents in Survey No.83/1 and 3 Acres and 88 cents in Survey No.87/1 in Devaganapalli Village in the Patta issued to the petitioner.

2. The case of the petitioner is that the petitioner claims to be the owner of the aforesaid properties, through a registered Settlement Deed, dated 28.03.1961 was executed by his father-in-law. Subsequent to the execution of the said deed, the petitioner is in absolute possession and enjoyment of the said properties. The grievance of the petitioner is that,



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the petitioner is entitled to have the Patta issued for the entire extent of aforesaid properties in his name. While so, the respondents 2 and 3 have included the name of respondents 5 to 7/private respondents in Patta of an extent of 29 cents in S.No.175, 33 cents in S.No.161 in Thottaupparum Village and 41 cents in S.No.83/1 in Devaganapalli Village. Therefore, the petitioner filed a Civil Suit in O.S.No.268 of 1962 on the file of District Munsif Court, Hosur against the legal heirs of the private respondents, seeking for declaration of title and injunction regarding the aforesaid lands, which had been confirmed in A.S.No.119 of 1964 on the file of Additional District Judge, Salem and in S.A.No.98 of 1966 on the file of this Court. Thereafter, the petitioner made a complaint/representation dated 30.09.2015 before the first respondent, seeking to enquire into the matter and delete the names of respondents 4 and 5 in Patta and enter the name of the petitioner and his wife in Patta for the entire extent of the aforesaid survey numbers. Since the said representation was not considered by the respondents 1 to 3, the petitioner had filed the present Writ Petition.

3. The learned counsel for the petitioner submitted that it would



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suffice, if this Court issues a direction to the respondents 1 to 3 to consider the petitioner's complaint/representation dated 30.09.2015 and pass orders within a stipulated time that may be fixed by this Court.

4. Per contra, the learned counsel appearing for the private respondents submitted that though the petitioner had right and title over the properties in question, as per the Tamil Nadu Patta Passbook Act, 1983 (in short, the Act), if the petitioner wants Patta in respect of the properties in question, he has to make application in terms of Section 3 of the Act before the third respondent/Tahsildar. Instead of making application for issuance of Patta, he made application for inclusion of name in the Patta in respect of the aforesaid properties in question. Accordingly, he prayed for passing appropriate orders.

5. Heard the arguments advanced on either side and perused the materials available on record.

6. In view of the above facts and circumstances of the case, if the petitioner wants to include the entire extent of aforesaid survey



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numbers mentioned in the prayer to the Writ Petition in the Patta already obtained by him, the same is impermissible as per the said Act. However, liberty is granted to the petitioner to make application in terms of Section 3 of the Act before the third respondent/Tahsildar within a period of two weeks from the date of receipt of a copy of this order, and if such application is filed, the third respondent/Tahsildar is directed to pass appropriate orders on the same, on merits and in accordance with law, within a period of twelve weeks thereafter, after affording an opportunity of hearing to the petitioner as well as the private respondents.

7. With the above observations and direction, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

08.11.2022

Speaking Order : Yes/ No

Internet: Yes/ No

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To

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M.DHANDAPANI, J.
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