



W.P.No.43668 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2022

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

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Manjunath

. . . Petitioner

Vs.

1. The District Revenue Officer,
Office of the District Revenue Officer,
Krishnagiri.

2. The Sub Collector,
Hosur.

3. The Tahsildar,
Hosur, Krishnagiri District

4. N.Muthuppa,

5. Chinna Narayanappa

. . . Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India,
to issue a Writ of Mandamus or any other appropriate writ, direction or
order in the nature of a Writ of Mandamus directing the 2nd respondent



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namely The Sub Collector of Hosur, to consider the representation of the petitioner dated 05.08.2016 and take necessary action to remove the name of the respondents 4 & 5 in respect of S.No.387, Muglur Village, Hosur Taluk, Krishnagiri District and issue a patta exclusively in the name of the petitioner within a time to be stipulated by this Hon'ble Court.

For Petitioners : M/s.V.Nikolas

For Respondents : Mr.U.Baranidharan,
Additional Government Pleader for R1 to R3

: M/s.V.R.Anna Gandhi for R4

ORDER

The present petition has been filed seeking to direct the 2nd respondent to consider the petitioner's representation dated 05.08.2016 and take necessary action to remove the name of the respondents 4 & 5 in respect of S.No.387, Muglur Village, Hosur Taluk, Krishnagiri District and issue Patta in the name of the petitioner, within the time frame that may be stipulated by this Hon'ble Court.



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2. It is the case of the petitioner that the property in S.No.387 at Mugulur Village, Hosur Taluk, originally belongs to the petitioner's grandmother Ellamma, who had executed a registered settlement deed dated 2.12.1971 in favour of the petitioner's mother. Due to the civil dispute between the family members with respect to the aforesaid property, a partition suit was filed by the petitioner in O.S.No.168 of 2014 on the file of the Sub-ordinate Judge of Hosur. The petitioner had filed a compromise petition before Lok Adalat, in which, award came to be passed on 16.10.2014, based on the said award, the petitioner was allotted with property to an extent of about 1.88 acres in S.No.387 at Mugulur Village. While being so, the 3rd respondent/Tahsildar had sub-divided the said Survey No and issued patta in favour of respondents 4 & 5. Aggrieved by the same, the petitioner had made a representation dated 05.08.2016 to the 2nd Respondent seeking to cancel the patta granted in favour of respondents 4 & 5 and for grant of patta in favour of the petitioner. However, till date, no action has been taken on the said representation. Hence, the petitioner has come up with the present petition.



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3. Though very many grounds have been raised, however, learned counsel for the petitioner submits that it would suffice if this Court issues a direction to consider the petitioner's representation dated 05.08.2016 seeking to cancellation of Patta and pass appropriate orders on the same in accordance with law, within the time frame that may be stipulated by this Court.

4. On the above contentions, this Court, heard the learned Additional Government Pleader appearing for respondents 1 to 3 and the learned counsel appearing for the 4th respondent.

5. As per the provisions of the Patta Passbook Act, Tahsildar is the competent Authority to cancel the Patta which was already issued, however, the petitioner has made a representation to the 1st respondent/Sub-Collector, who is not competent to cancel the Patta. In such view of the matter, this Court permits the petitioner to make a representation to the 3rd respondent/Tahsildar along with the copy of this order, within a period of two weeks from the date of receipt of a copy of this order. If any such



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representation is made, the 3rd respondent/Tahsildar is directed to consider the said representation and pass appropriate orders on the same in accordance with law, after affording an opportunity of personal hearing to the petitioner as well as the aggrieved persons if any, within a period of twelve weeks thereafter.

6. Accordingly, this Writ Petition is disposed of with the aforesaid direction. No Costs.

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NHS

Index : Yes / No

Internet : Yes / No

To

1. The District Revenue Officer,
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Krishnagiri.
2. The Sub Collector,
Hosur.
3. The Tahsildar,
Hosur, Krishnagiri District

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M.DHANDAPANI, J.

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