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W.P.No.44207 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.44207 of 2016

- 1.B.K.Druvikumar (Died)
- 2.Pushpalatha
- 3.Minor.Ganashree
- 4.Minor.Monish

(Minors Rep. by their Mother
Pushpalatha)

5.Gowramma

(P2 to P5/legal representative of
the sole petitioner substituted as
per the order of this Court dated
17.10.2022 made in W.M.P.
No.20794/22 in W.P.No.44207
of 2016 by MDIJ)

... Petitioners

Vs.

- 1.The District Revenue Officer,
Collector Office,
Krishnagiri District.
- 2.The Sub Collector,
Sub Collector Office,
Hosur,
Krishnagiri District.
- 3.The Tahsildar
Hosur Taluk Office,
Hosur 635 109,
Krishnagiri District.



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4.B.N.Suresh Babu

... Respondents

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Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent issued in Pa.Mu.No.3918/2016/J2 dated 05.10.2016, quash the same and consequently direct the respondents 1 to 3 to delete the wrong entry made in revenue records in favour of fourth respondent and issue patta in favour of petitioner in respect of 922 sq.ft. comprised in Old Natham Survey No.55/13, New Natham Survey No.293/29 of Bagalur Village, Hosur Taluk, Krishnagiri District within the time to be stipulated by this Hon'ble Court.

For Petitioners : Mr.R.Bharath Kumar
For Respondents : Mr.U.Baranidharan for R1 to R3
Additional Government Pleader

ORDER

The first petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records of the first respondent issued in Pa.Mu.No.3918/2016/J2 dated 05.10.2016, quash the same and consequently direct the respondents 1 to 3 to delete the wrong entry made in revenue records in favour of fourth



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respondent and issue patta in favour of petitioner in respect of 922 sq.ft. comprised in Old Natham Survey No.55/13, New Natham Survey No.293/29 of Bagalur Village, Hosur Taluk, Krishnagiri District, within the time to be stipulated by this Court.

2.The learned counsel appearing for the petitioners submitted that the petitioner who filed this writ petition passed away during the pendency of this writ petition and hence his legal heirs are brought on record as petitioners 2 to 5 and further submitted that though the deceased petitioner possessed valid title and made application for issuance of patta and though the third respondent recommended for transfer of patta in the name of the petitioner, the first respondent rejected the same on the ground that there is rival claim made by the fourth respondent.

3.The learned counsel appearing for the petitioners further submitted that, without going into the merits of the case, this Court may permit the petitioners 2 to 5 to file appropriate civil suit before the jurisdictional civil Court and issue direction to the concerned Court to decide the suit to be filed without being influenced by any of the observations made in the order impugned in this writ petition and



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further prayed that this Court may grant liberty to the petitioners 2 to 5 to make fresh application before the Revenue Officials for mutation of revenue records, if they succeed in the suit.

4.Considering the limited request now made by the learned counsel appearing for the petitioners, this Court, without expressing any opinion on the merits of the case, permit the petitioners 2 to 5 to file appropriate civil suit before the jurisdictional civil Court. If any such suit is filed by the petitioners 2 to 5, the concerned Court shall decide the suit without being influenced by any of the observations made in the first respondent's order in Pa.Mu.No.3918/2016/J2 dated 05.10.2016. If the petitioners 2 to 5 succeed in the suit that is to be filed, they are at liberty to make fresh application before the Revenue Officials for mutation of revenue records.

5.With the above observations and liberty, the writ petition is dismissed. No costs.

17.10.2022

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

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To

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M.DHANDAPANI,J.
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