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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P. No.22112 of 2021

B.M.Muniappa

...Petitioner

-Vs-

1. The District Revenue Officer,  
Krishnagiri District,  
Krishnagiri.

2. The Sub Collector,  
Hosur,  
Krishnagiri.

3. The Tahsildar,  
Hosur Taluk,  
Krishnagiri District.

4. Veerapadrappa

5. Kothurappa

6. Ramappa

7. Thimmarayappa

...Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings passed in Pa.Mu.31662/2020/J2 dated 25.08.2021, quash the same and consequently direct the first respondent herein to consider the rectification or error occurred during the UDR Scheme in respect of the petitioner's lands in S.F.Nos.50,51 and 65 situated at Battavarapalli Village, Hosur Taluk, Krishnagiri District.

For Petitioner : Mr.K.Govi Ganesan

For Respondents

For R1 to R3 : Mr.A.M.Ayyadurai  
Government Advocate



## ORDER

The Writ Petition has been filed to call for the records relating to the impugned proceedings passed in Pa.Mu.31662/2020/J2 dated 25.08.2021, quash the same and consequently direct the first respondent herein to consider the rectification or error occurred during the UDR Scheme in respect of the petitioner's lands in S.F.Nos.50,51 and 65 situated at Battavarapalli Village, Hosur Taluk, Krishnagiri District.

2. The case of the petitioner is that the petitioner's father viz., Madhappa owned property comprised in S.F.Nos.50,51 & 65 ad measuring 4.48, 2.67 and 1.34 acres respectively, situated at Battavarapalli Village, Hosur Taluk, Krishnagiri District. The petitioner derived title over the property by the Will dated 21.07.1952 executed by his mother Mariyamma and registered as document No.12 of 1952. During his life time, the petitioner's father had gifted one acre of land in S.F.No.51 out of 2.67 acres along with another property in favour of the petitioner's sister viz., Nanjamma vide Gift deed dated 19.10.1964 registered vide document No.3181 of 1964. In turn, she sold out the above said one acre to her son viz., Thimmarayappa vide sale deed dated 16.09.2008 registered as document No.12268 of 2008.

3. During the UDR scheme, the revenue authorities committed mistake and erroneously sub-divided and granted patta in the name of the petitioner's sister in respect of land ad measuring 0.01.00 hectare, 0.10.50 hectare and 0.18.50 hectare comprised in S.F.Nos.50/5, 51/5 and 61/5 respectively. According to the petitioner, no enquiry was conducted and no notice was issued to the petitioner before the issuance of patta. After demise of the petitioner's sister, the petitioner made application to the first respondent to rectify the said mistake. The first respondent by the impugned order dated 25.08.2021, rejected the petitioner's request as against which, the present Writ Petition.

4. On perusal of the counter filed by the first respondent revealed that the entire dispute is a partition dispute amount the family members. After lapse of 35 years, the petitioner now claims right over the subject land without any reliable documents. The subject lands were sub-divided long back stands registered in the name of various persons. In fact, the petitioner well aware of the sub-division and mutation of the said lands in the name of the various persons along with the



petitioner's sister. Further the petitioner did not raise any objection at the time of sub-division of the subject land. Immediately after the demise of the petitioner's sister viz., Nanjamma, now claims right over the subject land. Further, the respondents 4 to 7 are the legal heirs of the petitioner's sister and they are in absolute possession and enjoyment of the subject property.

5. Heard Mr.K.Govi Ganesan, learned counsel appearing for the petitioner, Mr.A.M.Ayyadurai, learned Government Advocate appearing for the respondents 1 to 3.

6. On the request made by the petitioner the first respondent conducted enquiry and it revealed that there is a family partition dispute over the subject land and there were no errors crept during the UDR scheme. Further the petitioner did not furnish any documents to establish his claim and therefore the ownership of the said land cannot be determined by the revenue officials. Further the land comprised in S.F.Nos.50, 51 and 65 were sub-divided long back and stands registered in various persons. Therefore, the subject land cannot be transferred in favour of the petitioner and the first respondent rightly rejected the claim of the petitioner. This Court does not find any infirmity or illegality in the order passed by the first respondent and the Writ Petition is devoid of merits and is liable to be dismissed.

7. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs.

Sd/-  
Assistant Registrar

//True copy//

Sub Assistant Registrar

rts  
To

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



3. The Tahsildar,  
Hosur Taluk,  
Krishnagiri District.

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+1 CC to Mr.K. Govi Ganesan, Advocate sr 3198  
+1 CC to The Government Pleader sr 3389.

W.P. No.22112 of 2021

MT (CO)  
SP (18/02/2022)