



W.P.No.30121 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2022

CORAM

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

W.P.No.29949 of 2022

1. M. Venkatesh
2. M. Ellappa
3. Lagummaya
4. M. Marappa
5. Ellamma

...Petitioners

Vs.

1. The District District Collector,
Krishnagiri District, Krishnagiri.
2. The District Revenue Officer,
Krishnagiri District, Krishnagiri
3. The Revenue Divisional Officer,
Hosur Taluk, Krishnagiri District.
4. The Tahsildar, Hosur Taluk,
Krishnagiri District.
5. The District Registrar (Admin), Krishnagiri District,
Krishnagiri.

6. Nanjappa

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a



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Writ of Mandamus directing the fourth Respondent to make necessary corrections and issue a fresh patta for petitioner's property in original Survey No.67/2 new Survey No.672/2A1 measuring an extent of 0.63.5 Hectare and Survey No.678/2C measuring an extent of 0.15.0 Hectare situated at Mookandapalli Village, Hosur Taluk, Krishnagiri District as per the Judgement and Decree passed by this Hon'ble court in S.A.No.1337 of 2008 dated 25.03.2021 by consider petitioner's representation dated 13.10.2022 and pass orders.

For Petitioner : Mr. R. Jayaprakash
For Respondents : Mr.U. Baranidharan
Additional Government Pleader

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the fourth Respondent to make necessary corrections and issue a fresh patta for our property in original Survey No.67/2 new Survey No.672/2A1 measuring an extent of 0.63.5 Hectare and Survey No.678/2C measuring an extent of 0.15.0 Hectare situated at Mookandapalli Village, Hosur Taluk, Krishnagiri District as per the Judgement and Decree passed by this Hon'ble court in S.A.No.1337 of 2008 dated 25.03.2021 by consider petitioner's representation dated 13.10.2022.



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2. The learned Additional Government Pleader takes notice for the official respondents. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.

3. Since no adverse order is passed against the 6th respondent notice to 6th respondent dispensed with.

4. The case of the petitioner is that the property in original Survey No.67/2 new Survey No.672/2A1 measuring an extent of 0.63.5 Hectare and Survey No.678/2C measuring an extent of 0.15.0 Hectare situated at Mookandapalli Village, Hosur Taluk, Krishnagiri District owned by the petitioner. Whiles one Yellappa created forged sale deed and divided the property with his family members, due to which Nanjappa/6th Respondent obtained his share and in turn he sold the same to various third parties, hence there was a dispute in the subject property. Thereafter the 6th respondent filed a suit in O.S.No. 131 of 2002 on the file of learned District Munsif, Hosur



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and the same was decreed in favour of the 6th respondent. Aggrieved over the same, petitioners filed an Appeal in A.S.No.21 of 2007 before the Sub Judge, Hosur and the same was also dismissed. Hence the petitioners filed S.A.No.1337 of 2008 which was allowed and the order passed by the Court below was set aside and the petitioners became the original owner of the property. Hence the petitioners gave a representation on 13.10.2022 to the respondents herein to cancel the fraudulent sale deed executed by the third parties and issue fresh patta to the petitioner. However till date the same was not considered. Hence this petition.

5. The learned counsel for the petitioners submitted that it would suffice, if this Court issues direction to the respondents to consider the petitioner's representation dated 13.10.2022 within a time limit as fixed by this Court.

6. Considering the limited request made by the petitioners, this Court is inclined to direct the respondents to consider the petitioners representation 13.10.2022 in terms of Section 10 of Patta Pass Book Act, 1983 after



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affording reasonable opportunity of hearing to the petitioners as well as the private respondent, within a period of twelve weeks from the date of receipt of a copy of this order, if there is no legal impediment.

7. Accordingly, this writ petition is disposed of. No costs.

11.11.2022

Speaking Order : Yes/ No
Index : Yes/ No

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To

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2. The District Revenue Officer,
Krishnagiri District, Krishnagiri
3. The Revenue Divisional Officer,
Hosur Taluk, Krishnagiri District.
4. The Tahsildar, Hosur Taluk,
Krishnagiri District.
5. The District Registrar (Admin), Krishnagiri District,
Krishnagiri.

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M.DHANDAPANI,J.

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