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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2022

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THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WP.No.30754 of 2018 and
WMP.No.35900 of 2018

Gowramma

... Petitioner

Vs

1. The District Revenue Officer,
Krishnagiri, Krishnagiri District

2. The Tahsildar,
Taluk Office, Hosur,
Krishnagiri District

3. Suresh Babu

... Respondents

Prayer :-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent issued in Pa.Mu.10273/2018/J2 dated 11.09.2018, quash the same and consequently direct respondents 1 & 2 to rectify the mistakes crept in, in the Revenue Records in respect of lands measuring 75 cents in Survey No.6/1, Odapalli Dinna Village, Hosur Taluk, Krishnagiri District and issue patta in favour of the petitioner, within the time to be stipulated by this Court.

For Petitioner : Mr.R.Bharathkumar

For Respondents
For R1 & 2 : Mr.P.Baladhandayutham,
Special Government Pleader

For R3 : Mr.J.Hariharan
for Mr.V.Nochoolas

ORDER

This writ petition is filed to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent issued in Pa.Mu.10273/2018/J2 dated 11.09.2018, quash



the same and consequently direct respondents 1 & 2 to rectify the mistakes crept in, in the Revenue Records in respect of lands measuring 75 cents in Survey No.6/1, Odapalli Dinna Village, Hosur Taluk, Krishnagiri District and issue patta in favour of the petitioner, within the time to be stipulated by this Court.

2. Heard, Mr.R.Bharathkumar, the learned counsel for the petitioner, Mr.P.Baladhandayutham, Special Government Pleader appearing for the respondents 1 & 2, and Mr.J.Hariharan, the learned counsel for the third respondent.

3. The land comprised in survey No.6/1 to an extent of 2.20 acres situated at Odapalli Dinna Village, Hosur Taluk, Krishnagiri District originally belonged to the petitioner's husband. He derived title by the partition deed dated 19.07.1973 registered vide document No.2647 of 1973 along with other properties. The land comprised in survey No.6/1 consisting 2.20 acres, in which 2 acres was allotted in favour of the petitioner's husband and 20 cents was allotted in favour of the petitioner's husband's brother Nallappa. Thereafter on 08.05.1975, he died leaving behind the petitioner and two sons and one daughter as his legal heirs to succeed his estate. There was dispute with regard to the enjoyment of certain lands including the subject land. Two suits were filed by both the parties and by the common judgment and decree dated 30.04.2008 made in AS.Nos.11 & 16 of 2006 on the file of the learned Principal District Judge, Krishnagiri observed that rival claimants are not entitled for partition in respect of 80 cents of land comprised in survey No.6/1. Thus, the partition effected in respect of 2 acres in survey No.6/1 was confirmed by the civil court.

4. By virtue of civil court decree, revenue authorities issued patta in patta No.31 to an extent of 1 acre 25 cents in favour of the petitioner. In fact, the subject land have been sub-divided as 6/1A and 6/1B and patta was issued to an extent of 1.25 acres comprised in survey No.6/1B. However, patta was not issued for the balance extent of the land to an extent of 75 cents. Therefore, the petitioner made representation before the second respondent for issuance of patta and no action was taken by the second respondent. Therefore, the petitioner was constrained to file writ petition before this Court in WP.No.32455 of 2016 and by order dated 16.06.2016, this Court directed the second respondent to consider the request of the petitioner in the light of the judgment and decree passed in the appeal suits. However, the second respondent by order dated 06.10.2017 stated that the alleged patta has been issued during Updating Registry Scheme and for rectification of said error, the first respondent has got power and directed the petitioner



to approach the first respondent. The petitioner filed appeal before the first respondent for rectification of errors crept in, in the revenue records related to the extent of the land comprised in survey No.6/1. Though the petitioner produced civil court decree, the first respondent rejected the appeal filed by the petitioner.

5. On perusal of the partition deed dated 19.07.1973, the petitioner's husband was allotted 2 acres of land comprised in survey No.6/1 situated at Odapalli Dinna Village, Hosur Taluk, Krishnagiri District. There was dispute with regards to enjoyment of their respective shares and as such both the parties filed suits. Both the suits ended in appeal suits in AS.Nos.11 & 16 of 2006. The appeal suits were partly decreed in respect of the land comprised in survey No.6/1, in which to an extent of 80 cents was decreed in favour of the petitioner's husband and to an extent of 20 cents was decreed in favour of other party. Though in the judgment corrected accordingly, in the decree in appeal suit in AS.No.16 of 2006 it was not corrected. Therefore, the first respondent rejected the claim of the petitioner by the impugned order dated 11.09.2018.

6. In view of the above, the impugned order passed by the first respondent is liable to be set aside. Accordingly, the impugned order dated 11.09.2018 is set aside. The first respondent is directed to rectify the mistakes crept in, in the revenue records in respect of the land admeasuring 75 cents comprised in Survey No.6/1, Odapalli Dinna Village, Hosur Taluk, Krishnagiri District and issue patta in favour of the petitioner within a period of four weeks from the date of receipt of copy of this order.

7. With the above direction, this writ petition is allowed. Consequently, connected miscellaneous petition is closed. No order as to costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The District Revenue Officer,
Krishnagiri, Krishnagiri District



2. The Tahsildar,
Taluk Office, Hosur,
Krishnagiri District.

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+1cc to Mr.R.Bharathkumar, Advocate, S.R.No.3309
+1cc to the Government Pleader, S.R.No.3049

WP.No.30754 of 2018

VSN-II (CO)
CT 31/01/2022