



W.A.No.2379 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **29.09.2022**

CORAM:

THE HONOURABLE MR.**JUSTICE R.SUBRAMANIAN**

AND

THE HONOURABLE MR.**JUSTICE K.KUMARESH BABU**

Writ Appeal No.2379 of 2018

C.Babu

..Appellant

Vs.

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

2. The Sub Collector, Hosur,
Krishnagiri District.

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

.. Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, against the order passed by this Court dated 21.08.2018 passed in W.P.No.6152 of 2017.

For Appellant : Mr. Bharath Kumar R

For Respondents : Mr. Vadivelu Deenadayalan



W.A.No.2379 of 2018

Addl. Govt. Pleader

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J U D G M E N T

(Judgment of the Court was delivered by R.SUBRAMANIAN, J.)

The petitioner is aggrieved by the dismissal of the Writ Petition, wherein he challenged the order of the first respondent who rejected the petitioner's claim for reclassification of land in Survey No.896 of Nallur Village of Hosur Taluk in Krishnagiri District.

2. According to the petitioner, the land originally stood registered in the name of his forefathers, namely Nanjayya and Muniyappa. In support of his contention, he has produced the Original Settlement Register of the Village as well as the Field Measurement Book. Claiming that during the UDR, when the petitioner was away in Karnataka, the Authorities had classified his lands as Anatheenam (unclaimed). Upon realising that such classification has been made, the petitioner applied to the Revenue Authorities for change of classification and issuance of Patta in his name. Though the Village Administrative Officer, the Tahsildar and the Zonal Deputy Tahsildar recommended the cause of the petitioner, the District Revenue Officer, namely the first respondent rejected the claim of the



W.A.No.2379 of 2018

petitioner on the ground that it is belated and made with ulterior motive.

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3. The first respondent relied upon G.O.Ms.589 CT & RE Department, dated 14.05.1975 issued under Act 26/48 which is an Inam Abolition Act, to reject the claim of the petitioner as belated. It is not case of the any of the parties that Village in question is a Inam Estate. If the village is not an Inam Estate, the question of applicability of Abolition Act 26/48 does not arise.

4. The learned Single Judge doubted the claim of the petitioner because the original settlement took place in 1906 and the petitioner has approached the Court after 100 years. We do not think such a rejection could be accepted by us. Admittedly, the land stood registered in the name of the forefathers of the petitioner till 1984, when it was classified as Anatheenam in the UDR. Upon realising that there has been a wrong classification, the petitioner has moved the authorities and all the Authorities have recommended the case of the petitioner. For Some reason, the District Revenue Officer did not choose to accept the recommendations. Even now the fact that the lands stood registered in the name of the petitioner's forefathers is not seriously disputed, all that is stated in the counter is that



W.A.No.2379 of 2018

the petitioner has approached the authorities belatedly. It is not the case of the Government that the land is in possession of somebody else. It was classified as unclaimed land, since no claim was made when the updated revision was taken up in the year 1984.

5. We are therefore unable to sustain the order of the learned Single Judge. Therefore, the Writ Appeal is **allowed**. The order of the learned Single Judge will stand set aside, the order impugned in the Writ Petition will also stand set aside. There will be a direction to the respondents to reclassify the land and grant patta to the petitioner within a period of eight weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

(R.SUBRAMANIAN, J.) (K.KUMARESH BABU, J.)

29.09.2022

jv

Index: Yes/no

Internet: Yes/no

speaking order/non speaking order



W.A.No.2379 of 2018

To

WEB COPY

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W.A.No.2379 of 2018

R.SUBRAMANIAN, J.
and
K.KUMARESH BABU, J.
(jv)

Writ Appeal No.2379 of 2018

29.09.2022