



WEB COPY



W.P.No.2273 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.2273 of 2023

P.Rajendiran

... Petitioner

Vs

1.The Sub Collector,
Office of the Sub Collector,
Hosur – 635 109,
Krishnagiri District.

2.The Tahsildar,
Hosur – 635 109,
Krishnagiri District.

3.B.Kumar

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to dispose of the petitioner's appeal dated 20.12.2022 preferred for cancellation of Patta No.1675 which was erroneously issued by the 2nd respondent in favour of the 3rd respondent and to restore the status of Patta No.850 in respect of property bearing S.No.26/6A1A, Motham Agraharam Village, Hosur Taluk, Krishnagiri District.

For Petitioner : Mr.M.Mohamed Riyaz

For Respondents : Mrs.Akila Rajendran
Government Advocate for R1 and R2



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ORDER

WEB COPY The prayer sought for herein is for a Writ of Mandamus directing the 1st respondent to dispose of the petitioner's appeal dated 20.12.2022 preferred for cancellation of Patta No.1675 which was erroneously issued by the 2nd respondent in favour of the 3rd respondent and to restore the status of Patta No.850 in respect of property bearing S.No.26/6A1A, Motham Agraharam Village, Hosur Taluk, Krishnagiri District.

2. In respect of landed property at Survey No.26/6A1A at Motham Agraharam Village, Hosur Taluk, Krishnagiri District, it is the claim of the petitioner that, the entire land to the extent of 3.28 acres in the said survey number belongs to the petitioner and in this regard patta had already been issued to that effect to the petitioner on 27.09.2020.

3. However, on 19.12.2022 suddenly an extent of 0.60 ares had been sub divided as Survey No.26/33 and patta has been issued in the name of one B.Kumar S/o.Beemappa. In view of this sub division, where, the 0.60 ares of land of the total extent of 3.28 ares at Survey No.26/6A1A is concerned, the same has been made unilaterally by the Revenue Tahsildar without hearing the petitioner and without giving any



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notice to the petitioner, therefore against such sub division made and patta issued in the name of the 3rd respondent, the petitioner preferred an appeal before the Revenue Divisional Officer i.e. Sub Collector, Hosur on 20.12.2022.

4. Therefore in order to consider the said appeal and to decide the same on merits and in accordance with law after giving an opportunity of being heard to both sides within a time stipulated by this Court, the petitioner has moved the present writ petition.

5. Reiterating the aforestated, Mr.M.Mohamed Riyaz, learned counsel appearing for the petitioner would seek indulgence of this Court.

6. Heard Mrs.Akila Rajendran, learned Government Advocate appearing for the respondents 1 and 2 and in view of the order going to be passed in this writ petition, notice to the 3rd respondent is hereby dispensed with.

7. The learned Government Advocate would submit that, the said appeal submitted by the petitioner even though only just a month before



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dated 20.12.2022, the same would be considered and decided by the Revenue Divisional Officer concerned at an earliest point of time that may be stipulated by this Court on merits and in accordance with law after giving an opportunity of being heard to both sides.

8. Considering the said submission made by the learned Government Advocate for the official respondents and having taken note of the aforesaid factual matrix as projected by the learned counsel for the petitioner, this Court is inclined to dispose of this writ petition with the following orders:

There shall be a direction to the 1st respondent to consider the appeal filed by the petitioner dated 20.12.2022 and decide the same on merits and in accordance with law after giving an opportunity of being heard to both the petitioner as well as the 3rd respondent within a period of eight weeks from the date of receipt of a copy of this order.

9. With this direction, this Writ Petition is disposed of. No costs.

31.01.2023

Index : Yes / No
Speaking Order : Yes / No
Sgl



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To

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R.SURESH KUMAR, J.

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