



W.A.No.1039 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.1039 of 2021

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

2.The Sub Collector,
Hosur, Krishnagiri District.

3.The Tahsildar,
Shoolagiri Taluk,
Krishnagiri District.

4.The Revenue Inspector,
Uddanapalli,
Shoolagiri Taluk,
Krishnagiri District.

.. Appellants

Vs.

1.L.Sundaram
2.Mahadevi
3.L.Nagamani
4.L.Sujatha

.. Respondents



W.A.No.1039 of 2021

WEB COPY

Prayer : Appeal filed under Clause 15 of the Letters Patent against the order of the learned Single Judge dated 18.2.2020 made in W.P.No.18526 of 2017.

For the Appellants : Mr.R.Raman Laal
Addl. Advocate General
assisted by
Mrs.R.Anitha
Spl. Government Pleader

For the Respondents : Mr.R.Bharath Kumar
for respondents 1 to 3

: Mr.N.Nithianandan
for respondent No.4

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.R.Raman Laal, learned Additional Advocate General, assisted by Mrs.R.Anitha, learned Special Government Pleader for the appellants; Mr.R.Bharath Kumar, learned counsel for respondents 1 to 3; and, Mr.N.Nithianandan, learned counsel for the fourth respondent.



W.A.No.1039 of 2021

WEB COPY

2. The present respondents have filed a writ petition bearing No.18526 of 2017 assailing the order dated 7.10.2016 and also sought direction against the appellants to grant necessary patta for the subject writ lands. The writ petition is allowed. Aggrieved thereby, the present appeal has been filed by the State.

3. We have heard learned Special Government Pleader for the appellants on the last occasion. The matter was adjourned at the request of learned Special Government Pleader for today.

4. Today, learned Additional Advocate General appears and made submissions.

5. It is the contention of learned Additional Advocate General that the respondents/writ petitioners are not in a position to produce the order dated 29.2.1964 relied upon by the writ petitioners. The conditions contained in the said order also could not be gone into. The writ petitioners were specifically asked by the authorities to produce the order. The same was not produced. It is further submitted that the time limit stipulated for payment as per the

Page 3 of 7



W.A.No.1039 of 2021

relevant Government Order ended in 1976. Though the father of the writ petitioners has deposited the amount, the last installment was made only in the year 1987. The same was not permissible.

6. The manner in which the appellants have prosecuted the appeal does not benefit the State authorities. The counter has been filed by the State authorities in the writ petition. Paragraph 8 of the counter reads thus:

"8. It is submitted that one Landlord Krishna Gowda grandfather of the writ petitioners died during 1950 and father of the writ petitioners has subsequently applied for patta and the Board of Revenue by an order dated 29.02.1964 in Ref.No.B.P.M.287/64 directed the applicant to remit a sum of Rs.2,984/- to the District Collector and get patta under "General Category" instead of under the Estate Abolition Act 1948. Whereas the father of the writ petitioners was remitted the above said cost as ordered in the Board's order dated 29.02.1964 in different dates i.e. Rs.500/- in the year 1965, Rs.1000/- on 14.02.1965, Rs.800/- on 29.02.1966, Rs.594/- on 02.04.1970 and lastly Rs.100/- on 19.10.1987."



W.A.No.1039 of 2021

WEB COPY

7. It is admitted by the State authorities that the grandfather of the writ petitioners died during 1950 and subsequently the father of the writ petitioners has applied for patta and the Board of Revenue, by an order dated 29.2.1964 in reference No.BPM.287/64, directed to remit Rs.2,984/- to the District Collector and get patta under general category instead of patta under the Estate Abolition Act, 1948. It is further contended in paragraph 8 of the counter that the father of the writ petitioners remitted the said cost as ordered in Board's order dated 29.2.1964 on different dates i.e. Rs.500/- in the year 1965; Rs.1000/- on 14.2.1965; Rs.800/- on 29.2.1966; Rs.594/- on 2.4.1970 and lastly Rs.100/- on 19.10.1987.

8. The only contention was that the amount is not deposited within the time.

9. The learned Single Judge thereafter considered the said aspect of the matter and after having found that the entire amount has been deposited as was directed under the order, directed the authorities to issue patta. It is not disputed that, since their ancestors, the writ petitioners are in possession of the subject writ

Page 5 of 7



W.A.No.1039 of 2021

WEB COPY

lands. The learned Single Judge, as such, has not committed any error in passing the impugned order.

10. The writ appeal, as such, is dismissed. There will be no order as to costs. Consequently, C.M.P.No.6545 of 2021 is closed.

(S.V.G., CJ.)

(D.B.C., J.)
18.10.2023

Index : Yes/No
Neutral Citation : Yes/No
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W.A.No.1039 of 2021

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W.A.No.1039 of 2021

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