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W.P.No.24245 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.10.2023

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.24245 of 2016 and
W.M.P.No.10253 of 2019

1. B.K.Dhruvikumar (deceased)
2. Pushpalatha
3. Minor Ganashree rep. by her mother Pushpalatha
4. Minor Monish rep. by his mother Pushpalatha
5. Gowramma

.. Petitioners

(petitioners are impleaded vide order of
this Court dated 29.08.2022 in W.M.P.No.20087 of 2022)

Versus

1. The District Revenue Officer,
Collector Office,
Krishnagiri District.
2. The Sub Collector
Sub Collector Office
Hosur, Krishnagiri District.
3. The Tahsildar
Hosur Taluk Office,
Hosur 635109, Krishnagiri District.
4. Venkatramanappa
5. Ellappa
6. Rathinamma

.. Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus calling for records of the first respondent issued in Pa.Mu.No.3917/2016/J-2 dated 20.06.2016, quash the same and consequently direct the first respondent to delete the wrong entries made in the revenue records in favour of respondents 4 to 6 and issue patta in favour of the petitioner in respect of 18 cents of land comprised in Survey No.261 of Bagalur Village, Hosur Taluk, Krishnagiri District within the time to be stipulated by this Court.

For Petitioners : Mr.R.Bharath Kumar

For Respondents : Mr.V.Veluchamy,
Addl.Govt. Pleader for RR1 to 3

Mr.K.Sudhakar for R5 and R6

ORDER

The writ petition has been filed seeking to quash the impugned order, wherein the request of the deceased first petitioner to issue patta in his name has been rejected directing the petitioner to approach the Civil Court .

2 Learned counsel appearing for the writ petitioners would submit that during the UDR Scheme patta was wrongly changed in another persons name and after coming to know about the facts, the deceased first



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petitioner approached the first respondent, wherein his request was rejected and given liberty to approach the Civil Court.

3 Learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that the first respondent based on the request made by the deceased first petitioner conducted enquiry, in which, it is found that there were many sales taken place and hence patta cannot be granted, but, the first respondent given liberty to approach the Civil Court to prove the title.

4 Heard the learned counsel appearing for the petitioners and the learned Additional Government Pleader for the respondents 1 to 3.

5 A perusal of the materials shows that the UDR taken place in the year 1984 and the impugned order was in the year 2016. A careful reading of the impugned order reveals that there was dispute regarding the title and there were many sales taken place and hence the first respondent directed the deceased first petitioner to approach the Civil Court.



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The revenue authorities cannot decide the title which is in dispute and hence this Court does not find any reason to quash the order of the first respondent. Further whether still petitioners are in possession of the property or any third party having right over the property are all can be decided only before the Civil Court, which is competent to decide and declare the title over the property in dispute.

6 For the foregoing reasons, this writ petition stands dismissed. Consequently connected miscellaneous petition is closed. No costs. However, the petitioners are at liberty to workout their remedy in the manner known to law.

31.10.2023

Index: Yes/No
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P.VELMURUGAN, J.,

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