



WEB COPY



W.P.No.14222 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.14222 of 2020

Munireddy

... Petitioner

-Vs-

1. The District Collector,
Office of the District Collectorate,
Krishnagiri District.

2. The Revenue Divisional Officer,
Office of the Sub-Collectorate,
Hosur, Krishnagiri District.

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

4. The Commissioner of Land Administration,
Chepauk, Chennai.

... Respondents

[R4 *suo motu* impleaded vide order dated 29.10.2020 made in WMP.No.17962 of 2020 in W.P.No.14222 of 2020 by NAVJ]

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the third respondent passed in Pa.Mu.23/2019/A4, dated 24.06.2019 quash the same and consequently direct the respondents to rectify the erroneous classification of lands measuring 11.88 Acres



W.P.No.14222 of 2020

comprised in Survey No.100 situated at Alasapalli Village, Hosur Taluk, Krishnagiri District in terms of the judgment and decree dated 30.09.2005 passed in O.S.No.173/1999 on the file of the District Munsif Court, Hosur, which is confirmed by the Judgment and Decree dated 11.09.2006 passed in A.S.No.44/2005 on the file of the Subordinate Judge, Hosur and to issue patta to the petitioner within the time to be stipulated by this Court.

For Petitioner : Mr.R.Bharath Kumar
For Respondents : Mrs.Akila Rajendran
Government Advocate

ORDER

The order impugned dated 24.06.2019 passed by the third respondent, who is the Tahsildar of Hosur Taluk, Krishnagiri District is under challenge in this writ petition.

2. Though such a writ petition has been filed, when the writ petition is taken up for hearing, Mrs.Akila Rajendran, learned Government Advocate appearing for the respondents has relied upon the following averments made in the counter affidavit:

“19. With regard to averments made in para 8 of the Affidavit, it is respectfully submitted that the petitioner is claiming right over the said land as his patta land. The



W.P.No.14222 of 2020

petitioner has stated that his father/forefather had purchased the said land long back. Further the Government Land/Grazing ground cannot be sold to anybody. There are no provisions or law to sell or register the Government land. Hence the claim of the petitioner is incorrect and non-judicious one. Hence, 3rd respondent in proceedings Pa.Mu.23/2020/AP dated 24.08.2019 has rejected the request of the petitioner. It was also informed to the petitioner to prefer an appeal within 30 days to the 2nd respondent. The petitioner has also preferred an appeal to the 2nd respondent against the order of this respondent and the said appeal is pending before the 2nd respondent. The petitioner by suppressing the pending appeal before the 2nd respondent has filed this petition in this Court. Hence the petition is not maintainable. Further, it is submitted that the appeal petition filed by the petitioner is pending before the 2nd respondent and after hearing of this case and perusal of the connected records, necessary orders will be passed by the 2nd respondent very shortly.”

3. By relying upon the same, learned Government Advocate appearing for the respondents would submit that, as against the order passed by the third respondent dated 24.06.2019, which is impugned herein, the petitioner already preferred an appeal before the second respondent, who is the Appellate Authority, before whom such appeal



W.P.No.14222 of 2020

filed by the petitioner is pending, however without disclosing the said fact and without pursue the said appeal, the petitioner has moved the present writ petition.

4. Heard Mr.R.Bharath Kumar, learned counsel appearing for the petitioner, who would submit that he has not received any such instructions from the petitioner that the appeal is filed before the second respondent and it is pending.

5. Be that as it may. Since it is an admitted fact on the part of the respondents to state that the petitioner preferred an appeal against the impugned order to the second respondent and such appeal is pending, this Court feels that a direction can be given to the second respondent to decide the appeal after giving an opportunity of being heard to the petitioner within a time frame on merits.

6. In that view of the matter, this Court is inclined to dispose of this writ petition with the following order:

That there shall be a direction to the second respondent



W.P.No.14222 of 2020

Revenue Divisional Officer to consider the said appeal filed by the petitioner against the order passed by the third respondent dated 24.06.2019 in Pa.Mu.23/2019/A4 and decide the same after giving an opportunity of being heard to the petitioner on merits and in accordance with law within a period of eight(8) weeks from the date of receipt of a copy of this order.

With this direction, this writ petition is disposed of. No costs.

06.01.2023

Index : Yes/No
Speaking order: Yes/No

mp

R. SURESH KUMAR, J.



WEB COPY



W.P.No.14222 of 2020

mp

To

1. The District Collector,
Office of the District Collectorate,
Krishnagiri District.
2. The Revenue Divisional Officer,
Office of the Sub-Collectorate,
Hosur, Krishnagiri District.
3. The Tahsildar,
Taluk Office,
Hosur, Krishnagiri District.

Writ Petition No.14222 of 2020

06.01.2023