



WEB COPY



W.P.No.34896 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.34896 of 2022

N.Venkatalakshmi

... Petitioner

Vs

1.The District Collector,
Krishnagiri,
Krishnagiri District.

2.The Sub-Collector,
Hosur, Krishnagiri District.

3.The Tahsildar,
Soolagiri,
Krishnagiri District.

4.A.Saviour

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to 3 to consider the petitioner's representation dated 27.12.2021 requesting to cancel the patta No.2948 issued to 4th respondent in respect of petitioner's land comprised in Survey No.642/6 of Chennathur Village, Hosur Taluk, Krishnagiri District.

For Petitioner : Mrs.L.Aishwaryalakshmi



W.P.No.34896 of 2022

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader
for R1 to R3

ORDER

The prayer sought for herein is for a Writ of Mandamus directing the respondents 1 to 3 to consider the petitioner's representation dated 27.12.2021 requesting to cancel the patta No.2948 issued to 4th respondent in respect of petitioner's land comprised in Survey No.642/6 of Chennathur Village, Hosur Taluk, Krishnagiri District.

2. It is the claim of the petitioner that the property at Survey No.642/1, 642/2 at Chennathur Village, Krishnagiri District originally belongs to the grandfather of the petitioner from whom the father of the petitioner inherited the property in whose name the patta had already been issued and thereafter the petitioner has inherited the property and is enjoying the same.

3. When that being so, an extent of 58 cents in the said survey numbers had been fraudulently obtained patta by one Xavier by making a sub division as S.No.642/6 in Patta No.2948. In order to cancel the said



W.P.No.34896 of 2022

patta, the petitioner had given a representation/complaint to the respondents on 27.12.2021. In order to consider the said representation of the petitioner and to act upon on the same by the respondents especially the 3rd respondent, the petitioner has moved the present writ petition.

4. Heard Mrs.L.Aishwaryalakshmi, learned counsel appearing for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader for the respondents 1 to 3.

5. The learned Special Government Pleader for the respondents 1 to 3 would submit that, if that being the case of the petitioner, based on which a representation has already been given that would be considered and decided on merits and in accordance with law after giving an opportunity of being heard to both the petitioner as well as the person against whom such complaint has been made or in whose favour patta already been issued by the Revenue Tahsildar on merits and in accordance with law within a time frame that may be stipulated by this Court.

6. Considering the said submission made by the learned Special



W.P.No.34896 of 2022

Government Pleader for the respondents 1 to 3, this Court is inclined to dispose of this writ petition with the following order:

There shall be a direction to the 3rd respondent to consider the representation of the petitioner dated 27.12.2021 and pass orders on merits and in accordance with law of course after giving an opportunity of being heard to the petitioner as well as one A.Xavier in whose name patta had already been given to the sub divided area or any other third party who makes claim over the property in question within a period of twelve weeks from the date of receipt of a copy of this order.

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

03.01.2023

Index : Yes/No

Speaking Order : Yes/No

Sgl

To



W.P.No.34896 of 2022

WEB COPY

- 1.The District Collector,
Krishnagiri,
Krishnagiri District.
- 2.The Sub-Collector,
Hosur, Krishnagiri District.
- 3.The Tahsildar,
Soolagiri, Krishnagiri District.



WEB COPY



W.P.No.34896 of 2022

R.SURESH KUMAR, J.

Sg1

W.P.No.34896 of 2022

03.01.2023