



W.P.No.5311 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.5311 of 2018

C.K.Venkataramanappa

...Petitioner

-Vs-

1.The District Collector,
Krishnagiri District,
Krishnagiri.

2.The District Revenue Officer,
Hosur,
Krishnagiri District,
Krishnagiri.

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

4.Malathi

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the third respondent to pass orders on the petitioner's representation dated 29.12.2014 based on the enquiry conducted on 30.10.2015 in accordance with the proceedings of the third respondent in Na.Ka.No.3328/2015/C3 dated 01.10.2015 and pass such further orders.



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For Petitioner : Mr.M.P.Jayaprakash
For R1 to R3 : Mr.K.Suresh
Government Advocate
For R4 : Tapal due

ORDER

This writ petition is filed for issuance of Writ of Mandamus, directing the third respondent to pass orders on the petitioner's representation dated 29.12.2014 based on the enquiry conducted on 30.10.2015 in accordance with the proceedings of the third respondent in Na.Ka.No.3328/2015/C3 dated 01.10.2015.

2. Learned counsel for the petitioner submitted that the property in Patta Nos.255, 341 and 76 in Bagalur Village were acquired by the petitioner and his wife through partition of ancestral properties and they are in peaceful possession of the same. There are suits in O.S.No.134 of 2001, O.S.No.58 of 2003 and O.S.No.62 of 2013 pending before the District Court at Hosur in regard to the properties in the said patta numbers. During U.D.R. survey, the Revenue Officials issued patta in the petitioner's name for the land in S.No.18/2, S.No.18/3 and S.No.18/4 in Patta No.341 & patta No.255. The Patta No.76 was given in his wife's name, namely, Shanthamma for the land



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in S.No.18/6. While being so, the 3rd respondent has transferred the petitioners' properties in patta nos.255, 341 and 76 to the 4th respondent without conducting any enquiry. The petitioner was not aware of this order of the 3rd respondent. The petitioner obtained a copy of patta in Patta No.341 and Patta No.255 and was shocked to see that in Patta No.341, only one S.No.48/1 was present in the names of the above said five persons and the other two numbers were missing. In patta No.255, only one S.No.51/2A was found and the other two numbers were missing and astonishingly there was no patta found in patta No.76. When the petitioner came to know that patta had been granted to the 4th respondent in Patta No.1064, the petitioner gave a representation to the 1st respondent. The 1st respondent gave proceedings in Na.Ka.No.30154/2014/J 2 dated 23.01.2015 directing the 3rd respondent that an enquiry may be conducted on the petitioner's appeal and the same shall reach the office of the 1st respondent through the 2nd respondent.

3. Learned counsel further submitted that the 3rd respondent called the petitioner for enquiry to be conducted on 30.10.2015 at 3.00 pm through his proceedings in Na.Ka.No.3328/2015/C3 dated 01.10.2015. The petitioner appeared before the 3rd respondent and the petitioner gave all the necessary documents to show his title over the property. The 3rd respondent and the



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Deputy Tahsildar are in hand in glove with 4th respondent and they have voluntarily and willingly given patta in the name of the 4th respondent in spite of three suits pending before the District Court at Hosur. The said 4th respondent is trying to trespass over the property and is also trying to alienate the property on the weight of the new patta received in Patta No.1064. Till date, no orders have been passed on the basis of the enquiry conducted, nor the pattas have been changed back to the petitioner's name. Hence the present writ petition.

4. Learned Government Advocate appearing for respondents 1 to 3 submitted that the petitioner's representation dated 29.12.2014 would be considered on merits and in accordance with law by the Authority concerned.

5. Heard both sides and perused the materials available on record.

6. Taking into consideration the above factual aspects of the matter, this Court directs the second respondent / District Revenue Officer, Hosur, Krishnagiri District, Krishnagiri, to consider the representation of the petitioner dated 29.12.2014 and to conduct a detailed enquiry after giving due notice to both parties, opportunity of



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personal hearing to the petitioner as well as rival claimants/interested parties, if any, to take into consideration the documents filed by the parties and pass appropriate orders on merits, in accordance with law, thereby following the above principles of natural justice within a period of eight weeks from the date of receipt of a copy of this order.

In the result, the writ petition stands disposed of with the above observation and direction. No costs.

04.07.2024

cda

Index : Yes / No

Speaking / Non-Speaking Order

J.SATHYA NARAYANA PRASAD, J.

cda

To



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