



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.5622 of 2021

M.A.Thajuthin

... Petitioner

Vs.

1. The Commissioner of Land Administration (FAC)
Chepauk, Chennai -5

2. The District Revenue Officer
Krishnagiri District

3. The Tahsildar
Krishnagiri Taluk
Krishnagiri District

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records in pursuant to impugned order of the 1st respondent in Pro.No.K3/22697/2019 dated 29.12.2020, confirming order of the 2nd respondent dated order in his proceedings O.Mu.No.18984/2018/J-2, dated 28.12.2018 thereby, dismissed the claim of the petitioner, quash the same and consequently, direct the respondents to issue orders for resumption of land/patta for the land in S.No.57 for extent of Acre 2.66 cents and in S.No.58, for an extent of Acre 1.92 cents, totally for Acre 4.58 cents, situated at Kattinakkappalli Village, Krishnagiri Taluk and District.

For Petitioner : Mr.Raghavachari, Senior Advocate
for Mr.A.Ramalingma

For Respondents : Mr.T.Arun Kumar
Additional Government Pleader

**ORDER**

This Writ Petition is filed challenging the order of the 1st respondent in Pro.No.K3/22697/2019 dated 29.12.2020, confirming the order of the 2nd respondent in proceedings O.Mu.No.18984/2018/J-2, dated 28.12.2018 and quash the same and consequently, direct the respondents to issue orders for resumption of land/patta for the land in S.No.57 of an extent of Acre 2.66 cents and in S.No.58, of an extent of Acre 1.92 cents, totally Acre 4.58 cents, situated at Kattinakkappalli Village, Krishnagiri Taluk and District.

2. The case of the petitioner is that he filed an appeal before the 1st respondent as against the order of the 2nd respondent who rejected the claim of the petitioner to remove the wrong entries of Patta in respect of their above said property and requested orders for resumption of land/Patta for the said land. But the same was dismissed by the 1st respondent by the impugned order dated 29.12.2020. Challenging the same, the present Writ Petition is filed.

3. The learned Senior Counsel appearing for the petitioner submitted that in the counter affidavit, the respondents have come with a new case



whereas, the impugned order shows otherwise and the documents produced before this Court were not put to the notice of the petitioner and that the petitioner has been deprived of opportunity to challenge those documents.

4. Heard the learned Additional Government Pleader appearing for the respondents with regard to the facts of the case and also perused the additional documents produced by the respondents.

5. A perusal of the impugned order and the counter affidavit as well as the additional documents produced by the respondents show that, neither the petitioner nor the respondents have come with the actual facts as seen in the records.

6. However, in order to give an opportunity to the petitioner to meet out all the challenges, the impugned order passed by the 1st respondent is quashed. The matter is remitted back to the 1st respondent. The 1st respondent is directed to issue notice to the petitioner and conduct enquiry in the manner known to law and pass orders on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition is disposed of. No costs.



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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



To

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P.VELMURUGAN. J.

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