



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.8240 of 2024 and
W.M.P. No.9199 of 2024

1. T.Govindasamy
2. T.Rajendran

... Petitioners

Vs.

1. The District Collector
Krishnagiri District
Krishnagiri - 635 115
2. The District Revenue Officer
O/o. The District Revenue Officer
Krishnagiri - 635 115
3. The Revenue Divisional Officer
Hosur, Krishnagiri District
4. The Tahsildar
O/o. The Tahsildar
Bargur Taluk, Krishnagiri District

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to issue the Patta in the name of the petitioners for the property bearing Survey Nos.(1) S.No.87/8 dry land of 0.31 Acre, (2) S.No.87/8 dry land of 0.37 Acre (3) S.No.88/3 dry land of 1.66 Acre, (4) S.No.87/5 dry land of 0.86 Acre, (5) S.No.6 dry land of 0.34 Acre, (6) S.No.91/4 wet land of 0.19 Acre, (7) S.No.7 wet land of 0.17 Acre, situated at Kondappanayanapalli side, A.Nagamangalam Village, Krishnagiri District within the stipulated period fixed by this Court.

For Petitioners : Mr.C.Samivel



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

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ORDER

This Writ Petition is filed seeking to issue a Writ of Mandamus directing the respondents to issue the Patta in the name of the petitioners for the property bearing Survey Nos.(1) S.No.87/8 dry land of 0.31 Acre, (2) S.No.87/8 dry land of 0.37 Acre (3) S.No.88/3 dry land of 1.66 Acre, (4) S.No.87/5 dry land of 0.86 Acre, (5) S.No.6 dry land of 0.34 Acre, (6) S.No.91/4 wet land of 0.19 Acre, (7) S.No.7 wet land of 0.17 Acre, situated at Kondappanayanapalli side, A.Nagamangalam Village, Krishnagiri District within the stipulated period fixed by this Court.

2.The learned counsel for the petitioner submitted that earlier the petitioners' mother and the 1st petitioner were given D card patta and subsequently, the same was cancelled by the 3rd respondent stating that the properties are evacuee property. Aggrieved by the same, the petitioners filed a suit for declaration declaring the suit lands are not evacuee property and the plaintiffs are the absolute owners under the Patta issued by the Government and also for permanent injunction, in O.S.No.469 of 1984 on the file of the learned District Munsif Court, Krishnagiri and after elaborate trial, the suit was decree in favour of the petitioners on 23.12.1994. Challenging the same,



the respondents preferred appeal in A.S.No.12 of 1996 on the file of the I Additional Sessions Judge, Krishnagiri and the same was dismissed on 21.11.1997 and subsequently, they preferred second appeal before this Court along with delay petition which was also dismissed by this Court on 16.04.2005 in C.M.P. No.5509 of 2005 in S.A.SR.No.14453 of 11998. Even after those positive orders obtained by the petitioners, the respondents have never turned up to issue Patta in their names which was cancelled previously. Therefore, the petitioners gave a representation to the respondents on 11.02.2015 for issuance of Patta. However, no action has been taken. Hence, the present Writ Petition is filed.

3. Mr.T.Arun Kumar, learned Additional Government Pleader takes notice for the respondents.

4. Having regard to the submissions made by the learned counsel on either side and since the Writ Petition is filed seeking a simple Writ of Mandamus for issuance of Patta, this Court without expressing any opinion with regard to the merits of the case, directs the 4th respondent to issue notice to the petitioners, interested parties/rival claimants/objectors/aggrieved parties if any, as the case may be and after issuing notice to all the parties, conduct enquiry in the manner known to law and pass orders on merits and in accordance with law. The said exercise shall be completed within a period of



six weeks from the date of receipt of a copy of this order.

5. With the above directions, this Writ Petition is disposed of at the admission stage itself. No costs.

6. The connected Miscellaneous Petition is ordered subject to payment of separate Court fee by each of the Writ Petitioners.

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Index : Yes / No

Neutral Citation Case : Yes/No



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P.VELMURUGAN. J.

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