



WA No.1978 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WA No.1978 of 2021
and CMP No.12742 of 2021

1. The District Collector,
Krishnagiri District,
Krishnagiri.
2. The Tahsildar,
Denkanikottai,
Krishnagiri District.
3. The District Revenue Officer,
Dharmapuri District

.. Appellants

-vs-

1. E.Errammal
2. Gowramma
3. K.Ramesh Babu
(3rd respondent impleaded vide court
order dated 04.08.2022 made in
CMP No.8330 of 2022).

.. Respondents

Prayer: Writ appeal filed under Clause 15 of the Letters Patent against the order of the learned Single Judge dated 14.06.2019 passed in W.P.No.6020 of 2007.



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For the Appellants : Mr.K.Karthik Jagannath
Government Advocate
For the Respondents : Mr.G.Ethirajulu, for R-1
: Mr.M.Muruganantham for R-3
: R.2 – Died
* * * * *

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.Karthik Jagannath, learned Government Advocate for the appellants.

2. The present writ appeal is filed against the order of the learned Single Judge in the writ petition filed by the present respondent No.1. The learned Single Judge passed the following order:-

“3. The objection raised by the 3rd respondent is unsustainable. It is unfortunate, despite the order of the District Revenue Officer for modification in the patta pass book, the order has not been implemented even after 33 years. The writ petition is allowed. The respondents 1 and 2 are directed to carry out the necessary correction in the patta pass book, in accordance with law passed by the District Revenue Officer, Dharmapuri District, within a period of six weeks from the date of receipt of a copy of this order. Writ petition is allowed. No costs.”



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3. We have heard Mr.G.Ethirajulu, learned counsel for respondent No.1 and Mr.M.Muruganantham, learned counsel for respondent No.3.

4. The respondent No.3 claims to have purchased the property from respondent No.2. It does not appear to be a dispute between respondent Nos.1, 2 and 3 inter se. The only order that is passed by the learned Single Judge is to implement the order passed by the District Revenue Officer.

5. According to the learned Government Advocate, after 1986, the writ petitioner moved the authorities and the Court in the year 2007 only. He further submits that the name of the original petitioner was never mutated.

6. The learned Single Judge as observed above has only directed to implement the order of the District Revenue Officer. The District Revenue Officer has already passed an order. The learned Single Judge has not given any other directions in the matter. The order of the District Revenue Officer dated 21.04.1986 reads thus:



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“3. On perusing the connected files, and adducing the enquiry, on conducting field inspection, it is very clear that without conducting field inspection on the Resettlement land, the Tahsildar had assigned Resettlement order. Therefore order of the Sub Collector, Hosur in revoking the assignment is proper. Therefore his order is hereby confirmed. The stay order of this office made in Na.Ka.10713/84 dated 23.1.84 is hereby vacated. Further proceedings shall be taken to assign the land which is in possession and enjoyment of the appellant. If in the event, if the other two persons are eligible, proceedings should be initiated to effect assignment to them. Action to be taken if the pathway which is in use to be converted as “Pathaai poramboke” in the records.”

7. In light of the above, it is for the authorities to implement the order of the District Revenue Officer.

In view of the above, no case for interference is made out. The writ appeal is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No

Neutral Citation : Yes/No

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AND
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