



WEB COPY



W.P.No.14775 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.14775 of 2024

K.Krishnappa

...Petitioner

-Vs-

1.The District Collector,
Krishnagiri District,
Krishnagiri – 635 115.

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

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

4.The Tahsildar,
Denkanikottai Taluk,
Krishnagiri District.

5.S.Prasad

...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 official respondents to cancel the Patta in Patta No.7980 stands in the name of the fifth respondent in respect of land owned by the petitioner



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measuring 1 Acre 50 cents in Old Survey No.168 and sub-divided as New Survey No.168/1 situated at Saragapalli Village and Post, Denkanikottai Taluk, Krishnagiri District and consequently direct respondents 1 to 3 to retain/restore the Patta in Patta No.717 for the said property in the petitioner's father name by considering the petitioner's representation dated 29.11.2023 within a time frame as fixed by this Court and pass such further orders.

For Petitioner : Mr.R.Jayaprakash

For R1 to R4 : Mr.P.Sathish
Additional Government Pleader

ORDER

This writ petition is filed for issuance of a Writ of Mandamus, directing the official respondents to cancel the Patta in Patta No.7980 stands in the name of the fifth respondent in respect of land owned by the petitioner measuring 1 Acre 50 cents in Old Survey No.168 and sub-divided as New Survey No.168/1 situated at Saragapalli Village and Post, Denkanikottai Taluk, Krishnagiri District and consequently direct respondents 1 to 3 to retain/restore the Patta in Patta No.717 for the said property in the petitioner's father's name by considering the petitioner's representation dated 29.11.2023.

2. The case of the petitioner is that the property measuring 1 acre 50 cents in Old Survey No.168 and New Survey No.168/1 situated at Saragapalli Village and Post, Denkanikottai Taluk, Krishnagiri District was purchased by



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his father late Mr.Kakappa under a Deed of Sale dated 22.03.1984 registered as document No.617/1984 on the file of the SRO, Denkanikottai . The revenue records of the property were transferred into the name of the petitioner's father and as per Patta No.717 in their name new survey number for their property is 168/1. While the petitioner's are in continuous and undisturbed possession and enjoyment of their 1 acre 50 cents of land, the vendor of the petitioner's father Mr. Pilla Reddy sold the remaining land measuring 1 acre 62 cents in old Survey No.168 to third parties. Now the fifth respondent claims he purchased the remaining 1 acre 62 cents in old Survey No.168 and he also purchased the petitioner land from one Visvanath and Chandrasekar. The petitioner reliably came to know that the fifth respondent colluding with Mr.Visvanath and Mr.Chandrasekar illegally and fraudulently created sale deed in his name and managed to get Patta No.7980 in his name. Based on the forged sale deed and fraudulent patta now the fifth respondent is attempting to illegally usurp the petitioner's property.

3. Learned counsel for the petitioner submits that on 29.11.2023 the petitioner sent a representation to respondents 1 and 2 directing them to cancel the Patta No.7980 in the name of the fifth respondent and to retain the Patta No.717 in the petitioner's name with its original data. However, respondents 1 to 3 have failed to take appropriate action on the petitioner's



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representation and the threat from the fifth respondent persists. Aggrieved by the same, the petitioner has approached this Court by way of filing this present writ petition.

4. Mr.P.Sathish, learned Additional Government Pleader takes notice on behalf of respondents 1 to 4.

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

6. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, directs the fourth respondent to consider the petitioner's representation dated 29.11.2023 by conducting a detailed enquiry after giving notice to the fifth respondent, affording an opportunity of personal hearing to the petitioner as well as rival claimants/interested parties if any, to take into consideration of all the relevant documents submitted by the parties in regard to the subject matter property and pass appropriate orders on merits, in accordance with law thereby following the above principles of natural justice within a period of six weeks from the date of receipt of a copy of this order.



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In the result, the writ petition stands disposed of with the above

observation and direction. No costs.

10.06.2024

cda

Index : Yes/No

Speaking/Non Speaking order

J.SATHYA NARAYANA PRASAD, J.

cda

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