



W.P.No.22786 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.22786 of 2024

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... Petitioner

vs.

1. The District Collector,
Office of the District Collector,
Krishnagiri District.
2. The District Revenue Officer,
Office of Revenue Divisional Office,
Krishnagiri District.
3. The Revenue Divisional Officer,
Office of Revenue Divisional Office,
Hosur Division,
Krishnagiri District.
4. The Tahsildar,
Hosur Taluk,
Krishnagiri District.
5. The Revenue Inspector,
Mathigiri Circle,
Hosur Taluk,
Krishnagiri District.

... Respondents



W.P.No.22786 of 2024

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue directions, orders or Writs in particular a writ of Certiorarified Mandamus, calling for the records relating to impugned Communication Letter No.8745/2022/12 dated 31.03.2023 issued by the fourth respondent and quash the same and consequently direct the respondents to issue patta based on representation dated 20.05.2022 in light of the historical records and continuous cultivation by the petitioner and his family.

For Petitioner : Mr.D.Murugan
For Respondents : Mr.A.M.Ayyadurai
Government Advocate

ORDER

Challenging the order passed by the fourth respondent, Tahsildar, refusing to consider the representation of the petitioner for issue of assignment patta, the petitioner has come before this Court.

2. According to the petitioner, he is an Agriculturist. He has been in possession and cultivation of the land in Survey Nos.592/2 (0.07.0 hectares) and 593/2 (0.26.5 hectares) in Onnalvadi Village, Hosur Taluk, Krishnagiri District. Based on his long possession, he submitted an application before the fourth respondent seeking issue of assignment patta. By relying on the Government order in G.O.Ms.No.1168 (Revenue) Department, dated



W.P.No.22786 of 2024

25.07.1989, the request of the petitioner was rejected by the fourth respondent mainly on the ground that there was a general ban on assignment of poramboke lands in hill areas.

3. The learned counsel for the petitioner, vehemently contended that the Onnalvadi Village was not a hill area and the petitioner was cultivating the lands in his possession.

4. This Court cannot go into the disputed question of fact regarding the claim made by the petitioner that the subject land is situated in a non hill area.

5. Learned Government Advocate appearing for the respondents by relying on G.O.Ms.No.1168 (Revenue) Department, dated: 25.07.1989 and G.O.Ms.No.122 (Revenue) Department dated: 21.02.2006 submitted that the request of the petitioner cannot be considered. The learned Government Advocate further submitted that challenging the order passed by the fourth respondent, the petitioner can very well file an appeal before the third respondent. Therefore, the Writ Petition filed without availing alternative



W.P.No.22786 of 2024

remedy is not maintainable.

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6. As mentioned earlier, this Court cannot go into the question of disputed fact in this Writ Petition. Therefore, the petitioner is directed to avail the alternative remedy by filing an appeal before the third respondent, the Revenue Divisional Officer.

7. Accordingly, the Writ Petition stands dismissed with liberty to the petitioner to approach the third respondent by filing an appeal challenging the order passed by the fourth respondent. The appeal shall be filed within a period of four weeks from the date of receipt of a copy of this order. If any such appeal is filed by the petitioner, the third respondent has to consider that appeal on its own merits and pass final orders within a period of eight weeks from the date of receipt of that appeal. No Costs.

27.08.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dk



W.P.No.22786 of 2024

To

WEB COPY

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W.P.No.22786 of 2024

S.SOUNTHAR, J.

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W.P.No.22786 of 2024

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