



WEB COPY



W.P.No.21981 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.No.21981 of 2024

S.Balaraj

...Petitioner

Vs

1.The District Revenue Officer,
Krishnagiri District.

2.The Revenue Divisional Officer,
Krishnagiri.

3.The Thasildar,
Taluk Office,
Krishnagiri.

4.Munusamy

5.Gopalakrishnan

...Respondents

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus, to call for the records in the impugned order, Pa.Mu.25269/2022/J1 dated 02.01.2024 on the file of the 1st respondent and quash the same and further direct the respondents 1 and 2 to effect patta name transfer in favour of legal heirs of Subbappa for the land in Old S.No.124/1 New S.No.124/1A and 124/1B, Manavaranapalli Village.



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For Petitioner : Mr.S.C.Vishwanath

For Respondents : Mr.G.Velu
Additional Government Pleader

ORDER

The Writ Petition seeks to quash the order of the first respondent dated 02.01.2024 and to direct the respondents 1 and 2 to effect patta transfer in favour of the legal heirs of Subbappa in respect of the land in Old Survey No.124/1 and New Survey No.124/1A and 124/1B Manavarapalli village, Hosur, Krishnagiri.(herein after referred as subject property)

2.The petitioner's contention is that the subject property measuring 2.14 acres was purchased by his father Subbappa for a valid consideration. On his death, the petitioner had verified the patta and found that the names of private respondents totally unconnected with the land had been mutated in the patta. Therefore, the petitioner had made an application to effect patta name transfer in favour of the legal heirs of deceased Subbappa by a representation dated 09.10.2021. The same was however not taken into consideration. Therefore, the petitioner had filed W.P.No.8816 of 2022. This Court directed the respondents 1 and 2 to dispose of the representation within a period of twelve weeks. Even



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thereafter, the respondents had not complied with the order and the petitioner was constrained to file contempt petition No.2972 of 2023 and to escape contempt the impugned order came to be passed. Challenging the same, the petitioner is before this Court.

3.Heard the learned counsels on either sides and perused the records. The learned Additional Government Pleader takes notice on behalf of the respondents.

4.The first respondent in the impugned order has clearly observed that the petitioner's father had purchased the property in the year 1970 and the same was in possession of the said Subbappa and thereafter his legal heir's till date. The authority has also observed that in the updating register scheme, patta has been issued in the name of Narayanasami. In the A register, patta has been registered in the name of Subbappa the petitioner's father. The authority has also observed that no documents whatsoever has been produced on the side of the respondents 1 to 3 to substantiate their case and they are relying upon an unregistered partition deed of the year 1988. The encumbrance certificate in respect of survey No.124/2 for the period 01.01.1966 to 03.10.2021 does not show any



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document relating to Narayanasamy. Despite so holding the first respondent has directed the parties to resolve their dispute before the Civil Court. The 1st respondent had dismissed the petitioner's request without cancelling the patta standing in the name of the said Narayanasamy who had no document to claim title. The order is totally misconceived particularly when the first respondent has himself observed that in the A register the name of the petitioner's father has been shown and further the respondents 4 and 5 are claiming a right on the basis of unregistered partition deed. The first respondent ought to have restored the patta in the name of Subbappa who produced the sale deed of the year 1970.

5. Therefore, the Writ petition is allowed. The impugned order passed by the first respondent in Pa.Mu.25269/2022/J1 dated 02.01.2024 is set aside and the parties in this Writ Petition agree that the matter may be remitted back to the first respondent for fresh consideration. The 1st respondent directed to consider the petitioner's representation and pass appropriate orders within a period of two months from the date of receipt of copy of this order.



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

costs.

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Index : Yes/No

Internet : Yes/No

Speaking Order/Non Speaking Order

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P.T.ASHA, J,

ep



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To

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Krishnagiri District.

2.The Revenue Divisional Officer,
Krishnagiri.

3.The Thasildar,
Taluk Office,
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