



WEB COPY



W.P.No.23420 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.23420 of 2024
and
W.M.P.No.25587 of 2024

N.Vishwanathan

... Petitioner

VS.

- 1.The Commissioner,
Land Administration,
Ezhilagam,
Chepauk,
Chennai-600 005
- 2.The District Collector,
Krishnagiri,
Krishnagiri Dist.,
- 3.The District Revenue Officer,
Hosur,
Krishnagiri Dist.,
- 4.The Revenue Divisional Officer,
Hosur,
Krishnagiri Dist.,



W.P.No.23420 of 2024

5. The Tahsildar,
Hosur,
Krishnagiri District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 5th respondent vide Pa.Mu.6388/2022/A2, dated 13.06.2024 and quash the same and consequently issue direction to the 5th respondent to grant patta in favour of the petitioner's property comprised in Survey No.77 at Moranapalli Village, Hosur Taluk, Krishnagiri District.

For Petitioner : Mr.R.Ramesh

For Respondents : Mr.P.Sathish
Additional Government Pleader

ORDER

Aggrieved by the order passed by the 5th respondent rejecting the request of the petitioner to grant patta in his name in respect of the property situated in Survey No.77 with an extent of 1.13.50 hectare in Moranapalli Village, Hosur Taluk, Krishnagiri District, the petitioner has come by way of this writ petition.



W.P.No.23420 of 2024

2. According to the petitioner, the total extent of land in above mentioned survey number was originally assigned in favour of one Munni.

After his death, his legal representatives partitioned the said property and one of his legal heir Bodiguddigadu sold his share in favour of one Venkatamma w/o. Thimmappa in the year 1964. In the meantime, the 4th respondent by order dated 15.07.1989 in his proceedings in D.Dis17276/86 cancelled the assignment on the ground that beneficiary was not a person belong to the Schedule Caste. The said order was challenged by Thimmappa, Venkatamma and Kuttalamma by filing a Civil Suit in O.S.No.64 of 1996 on the file of the District Munsif Court, Hosur against the Government and private defendants. The said suit was decreed and the order passed by the 4th respondent dated 15.07.1989 was set aside and the title of plaintiffs therein Thimmappa and two others was declared. The defendants including the Government were restrained from interfering with the possession of the property.

3. Based on the Civil Court's decree, the present petitioner herein who purchased the property from the legal representative of the plaintiff filed an application before the 5th respondent seeking issue of patta. The request of



W.P.No.23420 of 2024

the petitioner was negatived by the 5th respondent mainly on the ground that the earlier assignment was cancelled by the 4th respondent and property is classified as a Government Waste Land.

4. Though the 5th respondent in his order incidentally referred to the Civil Court decree passed in O.S.No.64 of 1996, the 5th respondent failed to understand the effect of the Civil Court's decree.

5. A perusal of the Civil Court decree included in the typed-set of papers would suggest that the order passed by 4th respondent cancelling the earlier assignment was set aside and title of plaintiffs' vendor was declared and injunction also granted against the Government interfering with the possession of the plaintiffs therein. Therefore, the impugned order passed by 5th respondent on the basis of the order passed by the 4th respondent cancelling the earlier Assignment dated 15.07.1989, is unsustainable on the face of it in the light of the Civil Court decree passed in O.S.No.61 of 1996.

6. Accordingly, the same is set aside and the Writ Petition stands allowed. The 5th respondent is directed to consider the request of the



W.P.No.23420 of 2024

petitioner for issue of patta for the above mentioned land in the light of the decree granted by the District Munsif Court, Hosur in O.S.No.64 of 1996, dated 24.09.1996. No costs. Consequently, the connected writ miscellaneous petition is closed.

30.08.2024

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

To

1. The Commissioner,
Land Administration,
Ezhilagam, Chepauk,
Chennai-600 005
2. The District Collector,
Krishnagiri,
Krishnagiri Dist.,
3. The District Revenue Officer,
Hosur, Krishnagiri Dist.,
4. The Revenue Divisional Officer,
Hosur, Krishnagiri Dist.,
5. The Tahsildar,
Hosur, Krishnagiri District.



WEB COPY



W.P.No.23420 of 2024

S.SOUNTHAR, J.

dm

W.P.No.23420 of 2024

30.08.2024