



W.A.No.2596 of 2

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

W.A.No.2596 of 2022
and
C.M.P.No. 20516 of 2022

1.The District Collector,
Krishnagiri,
Krishnagiri District.

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

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

4.The Tahsildar,
Hosur, Krishnagiri District.

...Appellants

Vs.

1.N.Sathish

2.B.Venkatesappa

...Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 25.10.2021 made in W.P.No.5799 of 2018.



For Appellants : Mr.A.Selvendran
Special Government Pleader
For Respondents : Ms.Kalyani Kailasam for R1
Ms.Suheetha for R2

J U D G M E N T

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

Challenge in the appeal is to the order of the Writ Court setting aside the orders passed by the Revenue Authorities, rejecting the request of the petitioner to rectify the errors that had crept in the revenue records in respect of 31 cents of land comprised in Survey No.1280/A1 and 1 cent in Survey No.1280/B, totaling 32 cents in Achettipalli Village, Hosur Taluk, Krishnagiri District and issue patta to the petitioner.

2.According to the petitioner, these lands were acquired for the purposes of the Railways and were renounced by the Railways since the project for formation of railway line was abandoned. These lands were auctioned by appointing a Special Tahsildar in the year 1970. The petitioner's father was a highest bidder in the said auction for a sum of



Rs.1,300/-. He had paid the entire sale consideration and the sale was confirmed by the District Collector in the year 1973. Since the petitioner found that the lands were classified as "Battai" in the revenue records, he applied to the Revenue Authority for re-classification. Since there was no response, the petitioner filed a Writ Petition in W.P.No.17718 of 2017 seeking a mandamus to consider the representation.

3. The said Writ Petition was allowed by this Court with a direction to consider the representation of the petitioner and pass orders. Subsequent there to, the 4th respondent in the Writ Petition namely, the Tahsildar, Hosur conducted a survey and filed a report setting out the happenings namely, the fact that the lands having been acquired for the Railways, relinquishment by the Railways, conduct of auction in the year 1970 and the father of the petitioner being a successful bidder. The documents relating to the sale and the payment of purchase price by the petitioner's father were also placed before the District Revenue Officer. Despite all these facts and documents having been placed, the District Revenue Officer concluded that the petitioner has not produced any document to show that the property was auctioned by the Special Tahsildar, Krishnagiri. On the said premise, the



District Revenue Officer, rejected the claim of the petitioner and concluded that these lands would register as "Battai" and "Poromboke". It is this order, which was made on 16.02.2018 that was subject matter of challenge in the Writ Petition.

4. The Writ Court, after considering the records produced, concluded that the report of the Tahsildar reveals that the property was acquired for the Railways and the same was relinquished. Upon relinquishment the properties were sold in public auction by a Special Tahsildhar and the petitioner's father was declared as highest bidder. The fact that the petitioner's father had paid the entire amount even in the year 1973 was also recorded by the Writ Court. On the said findings, the learned Judge allowed the Writ Petition, while setting aside the order of the 2nd respondent rejecting the request of the petitioner. The writ court directed re-classification of the land and grant of patta in favour of the petitioner.

5. Though in the counter affidavit filed in the Writ Petition, the auction proceedings are denied. The records that have been placed before us very clearly demonstrate that these lands were subject matter of acquisition



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for the Railways. Upon relinquishment by the Railways, these lands were sold in the public auction and petitioner's father has been declared as a successful bidder. These records form part of the report of the 4th respondent. Hence, we are not able to fault the Writ Court for having reached the conclusion. We do not find any merit in the Writ Appeal. This Writ Appeal fails and it is accordingly, **dismissed**. No costs. Consequently, connected miscellaneous petition is closed. The 2nd respondent is directed to implement the orders of the learned single Judge within a period of twelve weeks from the date of receipt of a copy of this order.

(R.S.M., J.) (R.S.V., J.)
03.07.2024

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Internet: Yes

Index: No

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Neutral Citation : No



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R.SUBRAMANIAN, J.
and
R.SAKTHIVEL, J.

KKN

To:-

- 1.The District Collector,
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