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THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2024

CORAM:

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

W.A.No. 2222 of 2024
and
C.M.P.No. 15676 of 2024

1.The Principal Secretary and
Commissioner of Land Administration,
Government of Tamil Nadu,
Chepauk, Chennai - 600 005.

2.The District Collector,
Krishnagiri District,
Krishnagiri.

3.The District Revenue Officer,
Krishnagiri District,
Krishnagiri.

4.The Sub-Collector,
Hosur Taluk, Hosur,
Krishnagiri District.

5.The Tahsildar,
Hosur Taluk, Hosur,
Krishnagiri District.

...Appellants

Vs.

Faizullahan Khan (deceased)

1/6



1.Taseen Taj

2.Siraj Khan

3.Salman Khan

4.Fouziya Khanum

...Respondents

(Minor petitioners 3 to 5 are represented by their mother and natural guardian the second petitioner herein)

(petitioners 2 to 5 are substituted as LR's of the deceased first respondent as per Order dated 09.12.2015 in MP.No.2 of 2014 in W.P.No.9369 of 2010)

Prayer: Writ Appeal filed under Clause 15 of the Amended Letters Patent, against the order dated 01.10.2021 made in W.P.No. 9369 of 2010.

For Appellants : Mr.A.Selvendran
Special Government Pleader

For Respondents : Mr.T.M.Hariharan for R1 to R4

J U D G M E N T

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

Challenge in the Writ Appeal is to the order of the learned single Judge allowing the Writ Petition in W.P.No.9369 of 2010. The prayer in the Writ Petition reads as follows:-

"praying for the issuance of a Writ of Certiorarified



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Mandamus to call for the entire records relating to the order dated 07.02.2010 in RC.No.G1-19213-08 from the file of the first respondent, quash the same and direct the fifth respondent to grant patta in petitioners' name for the land measuring three acres in Survey No.825/1, in Mathigiri Village, Hosur Taluk, Krishnagiri District."

2. From the order impugned in the Writ Petition dated 07.02.2010, it is seen that the Commissioner Land Administration has reached the conclusion that the assignment in favour of the petitioner's father, Mr.Mustafa Khan had not become final, since he has not chosen to remit the land cost and obtain assignment. The learned single Judge has allowed the Writ Petition on the ground that father of the petitioner, Mr.Mustafa Khan had paid the land value of Rs.4,160/- even in the year 1973 and a receipt to that effect has been produced.

3. The learned Special Government Pleader would however, submit that the said payment was not brought to notice of the Commissioner. But, now that it is proved before us that the payment has been made even on 05.07.1973, the only premise on which the assignment was cancelled does not survive. Therefore, we do not see any reason to interfere with the order



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of the learned single Judge allowing the Writ Petition. This Writ Appeal fails and it is accordingly, **dismissed**. The appellants will issue patta to the petitioners at the earliest, at any rate within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M., J.) (R.S.V., J.)
25.07.2024

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Internet: Yes

Index: No

Speaking

Neutral Citation : No



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R.SUBRAMANIAN, J.



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and
R.SAKTHIVEL, J.

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