



WEB COPY



W.P.No.32909 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.32909 of 2024

Kannammal

... Petitioner

Vs.

1.The District Collector,
Krishnagiri District,
Krishnagiri -635115

2.The District Revenue Officer,
O/o The District Collector,
Krishnagiri - 635115

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

4.The Thasildar,
O/o.The Tahsildar,
Krishnagiri.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the 4th Respondent to issue patta in the name of the petitioner in respect of the properties bearing (i) Punjai Survey No.87/9 to an extent of 0.68 cents, (ii)S.No.87/12



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to an extent of 0.66 cents, (iii) Survey No.88/4 to an extent of 1.27 cents, (iv) Nanjai Survey No.91/5 to an extent of 0.10 cents, in total to extent of 2 Acres 71 cents which are situated at Kondappanayanapalli Village, Krishnagiri Taluk and District within the stipulated period fixed by this Hon'ble Court.

For Petitioner : M/s.C.Samivel

For Respondents : M/s.A.Selvendran, Special GP,
for R1 to R4.

ORDER

The Writ Petition is filed for the following reliefs:-

" To direct the 4th Respondent to issue patta in the name of the petitioner in respect of the properties bearing (i) Punjai Survey No.87/9 to an extent of 0.68 cents, (ii) S.No.87/12 to an extent of 0.66 cents, (iii) Survey No.88/4 to an extent of 1.27 cents, (iv) Nanjai Survey No.91/5 to an extent of 0.10 cents, in total to extent of 2 Acres 71 cents which are situated at Kondappanayanapalli Village, Krishnagiri Taluk and District within the stipulated period fixed by this Hon'ble Court."



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2. The subject property was assigned to the petitioner on 14.08.1980 and D-Card Assignment patta was also issued by the Special Tahsildar in her favour. From the date of allotment, the petitioner has been in possession and enjoyment of the subject property. Necessary taxes and other public outgoings are being remitted by the petitioner and the revenue records were also mutated in her name. While so, on 22.09.1983, the 3rd respondent had issued a show cause notice calling upon the petitioner to show cause as to why the property assigned should not be cancelled as the petitioner is not in possession and enjoyment of the same. The petitioner had provided a detailed explanation in response. Thereafter, there was no further communication from the 3rd respondent regarding the show cause notice as well as her reply.

3. However, on 02.05.1984, the petitioner had received an eviction notice issued by the 4th respondent under Section 6 of the Chennai Municipality Act, 1905, evicting the petitioner from the above lands. Therefore, the petitioner had filed a civil suit in O.S.No.214/1984 for declaration declaring that the eviction notice issued by the 4th respondent



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dated 02.05.1984 as null and void and for permanent injunction restraining the respondents, their men and agent from interfering with their peaceful possession and enjoyment of the suit schedule property. The said suit was decreed on 21.12.1987. Against the said decree, an appeal in A.S.No.107/1995 was filed by the 1st respondent before the I Additional District Cum Chief Judicial Magistrate, Dharmapuri at Krishnagiri. The said appeal was dismissed by a judgement and decree dated 21.11.1997, against which there was no further appeal and therefore the judgement and decree had attained finality. Thereafter, on 11.02.2015 the petitioner had made a representation to the respondents to issue patta in her name. The said representation has not been considered to date. Therefore, the petitioner is before this Court.

4. Heard the counsels on either side.

5. Having suffered a decree under which the title of the petitioner has been declared and an injunction has been issued against the respondents, the respondents who have not challenged the said judgement and decree are bound to re-issue the patta in the name of the petitioner. Therefore, the Writ Petition is allowed. A mandamus is issued directing the



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costs.

respondents to issue patta to the petitioner on or before 27.11.2024. No

6. List the matter "*for reporting compliance*" on 28.11.2024.

13.11.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

- 1.The District Collector,
Krishnagiri District,
Krishnagiri -635115
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O/o The District Collector,
Krishnagiri - 635115
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P.T. ASHA. J.,

(shr)

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