



WP.No.33989 of 2024

In the High Court of Judicature at Madras

Dated : 20.11.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.33989 of 2024

1.Krishnappa
2.Rajendran

...Petitioners

Vs

1.The Sub-Collector, Office of
the Sub-Collectorate,
Hosur-635109.
Krishnagiri District.

2.The Tahsildar, Shoolagiri
Taluk Office, Shoolagiri.
635117. Krishnagiri District.

3.B.Basavaraj

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to consider the petitioners' appeal petition dated 19.9.2024 for issuance of patta in favour of the petitioners in respect of the lands measuring an extent of 5.54 acres comprised in Survey Nos.86/4, 87/3 and 88/2 situated at Chennapalli Village, Shoolagiri Taluk, Krishnagiri District within the time to be stipulated by this Court.



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For Petitioners : Mr.R.Bharathkumar
For R1 & R2 : Mr.A.Selvendran, SGP
For R3 : Mr.R.Subramanian

ORDER

The petitioners, whose application for the grant of patta had been kept in abeyance by the second respondent by the order dated 31.8.2024 till the disposal of O.S.No.72 of 2022 on the file of the Sub-Court, Hosur, have filed the appeal petition before the first respondent on 19.9.2024. As no further progress has taken place in the said appeal petition, the petitioners are before this Court.

2. Heard the learned counsel for the petitioners, the learned Special Government Pleader accepting notice for respondents 1 and 2 and the learned counsel accepting notice for the third respondent.

3. The petitioners would submit that a large extent of 5.54 acres in Survey Nos.86/4, 87/3 and 88/2 situated at Chennapalli Village, Shoolagiri Taluk, Krishnagiri District belongs to them by way of purchase in 2024. Prior to that, with an intent to grab the said property from the vendors of the petitioners, one Mr.Chinna Muthappa and others presented a sale deed for registration before the Sub-Registrar, Shoolagiri without producing proper documents to prove



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their title over the said property. Hence, the registration was refused and the writ petition filed challenging the said order was also unsuccessful.

4. The case of the petitioners is that they have purchased the said property from one Mrs.Bagyalakshmi and one Mr.Narayana Reddy under a registered sale deed dated 29.4.2024 and they are in possession and enjoyment of the same since then. Thereafter, the petitioners made an application dated 08.7.2024 to respondents 1 and 2 for the issuance of patta in their names. However, by order dated 31.8.2024, the second respondent ordered that status quo should continue till a decision is taken in O.S.No.72 of 2022 on the file of the Subordinate Court, Hosur and that further action would be taken subject to the judgment that would be rendered in the said suit. Aggrieved by the said order dated 31.8.2024, the petitioners filed an appeal petition before the first respondent 19.9.2024. Since it has not been taken up for consideration, the petitioners are before this Court.

5. On perusal of the materials available on record, it is seen that the first respondent has not even issued notice to the parties. The first respondent is bound to consider and pass orders as per the statutory provisions and this statutory duty has not been performed by the first



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respondent.

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6. Therefore, the writ petition is allowed and a Mandamus is issued to the first respondent to conduct an inquiry and pass speaking orders in the appeal petition dated 19.9.2024 filed by the petitioners. This exercise shall be completed within a period of two months from the date of receipt of a copy of this order. No costs.

20.11.2024

To

1.The Sub-Collector, Office of
the Sub-Collectorate,
Hosur-635109.
Krishnagiri District.

2.The Tahsildar, Shoolagiri
Taluk Office, Shoolagiri.
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RS

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