



W.P.No.35978 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.12.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 35978 of 2024
&
W.M.P.No. 38865 of 2024

1.M.Venkatesh

2.M.Ellappa

3.Lagummaya

4.M.Marappa

5.Ellamma

...Petitioners

Vs.

1.The District Collector
Krishnagiri District,
Krishnagiri

2.The District Revenue Officer
Krishnagiri District,
Krishnagiri



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3.The Revenue Divisional Officer
Hosur,
Krishnagiri District

4.The Tahsildar
Hosur Taluk,
Krishnagiri District

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 4th respondent to make necessary corrections and issue patta for the remaining 31 cents in original survey No.672/2 now survey No.672/2A1 measuring an extent of 0.63.5 hectare situated at Mookandapalli Village, Hosur Taluk, Krishnagiri District in the petitioners name and upload the same in the official Government website at the earliest by considering the petitioners' representation dated 28.09.2024.

For Petitioners : Mr. R.Jayaprakash

For Respondents : Mr. A.Selvendran
Special Government Pleader.



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ORDER

The Writ Petition is filed for the following relief:

“To direct the 4th respondent to make necessary corrections and issue patta for the remaining 31 cents in original survey No.672/2 now survey No.672/2A1 measuring an extent of 0.63.5 hectare situated at Mookandapalli Village, Hosur Taluk, Krishnagiri District in the petitioners name and upload the same in the official Government website at the earliest by considering the petitioners' representation dated 28.09.2024”.

2. It is the case of the petitioners that the property measuring an extent of 0.63.5 hectares comprised in original S.No.672/2, new S.No.672/2A1, Mookandapalli Village, Hosur Taluk, Krishnagiri District, belonged to their grand father, Kunnikadu. One Yellappa in collusion with his family members had created a family arrangement. One Nanjappa claimed that the property is allotted to his share and through his power of attorney had sold the properties to various third



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parties.

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3. Thereafter, the said Nanjappa filed a suit in O.S.No.131 of 2002 on the file of the District Munsif, Hosur, claiming a right to the petitioner's property which is decreed on 11.07.2007 and an appeal was filed in A.S.No.21 of 2007, which was also dismissed by the Subordinate Judge, Hosur. The petitioners had thereafter preferred a Second Appeal in S.A.No.1337 of 2008, before this Court. The same was allowed and the decree in O.S.No.131 of 2002, filed by Nanjappa was set aside and it was held that the petitioners are the absolute owners of the property and Nanjappa had no right to the same. By reason of this, persons claiming under Nanjappa also cease to have right to the property.

4. Thereafter, on 24.03.2022, the petitioners had submitted a representation to the 4th respondent for cancelling patta issued to the third parties and to cancel the new subdivision made in S.No.672/2A1. The 4th respondent failed to carry out necessary corrections. Therefore,



the petitioners once again sent a representation on 13.10.2022, which also did not evoke any response constraining the petitioners to file W.P.No.29949 of 2022. The Writ Petition was disposed of on 11.11.2022, with a direction to the respondents to pass orders. Thereafter, since the 4th respondent had not complied with the order passed in W.P.No.29949 of 2022, the petitioners had filed a contempt proceedings in Cont.P.No.272 of 2024.

5. Thereafter, the 4th respondent issued patta in respect of the property in S.No.672 / 2A1. However, the 4th respondent issued patta only for an extent of 1.38 acres and failed to issue patta for the remaining extent of 31 cents.

6. Since there was an error in the extent, the petitioners made a representation for correcting the mistake on 28.09.2024, which has not been considered. Therefore, the Writ Petition.



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7. Heard the learned counsels on the either side and perused the records.

8. In the light of the Judgement passed by this Court in S.A.No.1337 of 2008, upholding the title of the petitioners, the 4th respondent ought to have issued a patta for the entire extent. Therefore, the 4th respondent is directed to issue patta for the remaining extent of 31 cents, by correcting the patta. The said exercise shall be completed within a period of 12 weeks from the date of receipt of a copy of this order.

9. The Writ Petition is allowed. Consequently, the connected miscellaneous petition is closed. No costs.

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Index : Yes/No
Internet : Yes/No
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