



W.P.No.31199 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.31199 of 2018

and

W.M.P.No.63400 of 2018

R.Krishnapa

...Petitioner

-Vs-

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

2.Srinivasa Reddy

3.The Tahsildar,
Hosur,
Krishnagiri District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorari, calling for the records of the impugned notice issued by the first respondent in Na.Ka.No.4320/2018/B3 dated 25.10.2018 and quash the same and pass such further orders.



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For Petitioner : Mr.S.Chandrasekar
For R1 & R3 : Mrs.R.L.Karthika
Government Advocate
For R2 : Mr.P.Saravanan

ORDER

This petition is filed for issuance of a Writ of Certiorari, calling for the records of the impugned notice issued by the first respondent in Na.Ka.No.4320/2018/B3 dated 25.10.2018 and quash the same.

2. Learned counsel for the petitioner submitted that the petitioner's grandfather's brother purchased an extent of 2.32 acres in the year 1925 through an unregistered sale deed from the second respondent's grandfather. The petitioner's grandfather's brother Sottappa became old, he did not marry, and he settled his properties purchased by him in the year 1957 through a settlement deed to the petitioner and his brothers namely, Sampegappa and Narayappa by a registered Settlement Deed dated 01.08.1957 registered as Doc.No.2663/1957 on the file of SRO Joint Registrar, Hosur. The land allotted to the petitioner and his brothers are in survey No.130/2 and they are in possession and enjoyment of the same. The second respondent herein who



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is grandson of Muni Reddy. The said Muni Reddy Grandfather of second respondent sold lands to the petitioner's grandfather's brother, Sottappa in the year 1925 in unregistered sale deed. The second respondent who is doing real estate business is claiming 1½ cent in Survey No.130/2, which was already sold by his grandfather in the year 1925. The lands in Survey No.130/2 stands in the petitioner name since 1957, which was settled in his name by his grandfather's brother Sottappa. The second respondent namely, Srinivasa Reddy is the grandson of Muni Reddy. The said Muni Reddy was the vendor from whom Mr.Sottappa (Petitioner's grandfather's brother who had settled his property in favour of the petitioner) had purchased the property in the year 1925. A patta was issued to the petitioner in the year 2009 and the second respondent has given his objection in the year 2019. On 24.10.2018, the second respondent approached the first respondent to remove the petitioner's name in the patta as he claimed that the petitioner's name was entered wrongfully.

3. The main contention of the learned counsel for the petitioner is that the patta was issued in the year 2009 and the second respondent has given his objection in the year 2019, nearly after a lapse of 10 years.

4. Learned counsel for the petitioner drew the attention of this Court to



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Rule 14 of the Tamil Nadu Patta Pass Book Rules, 1987, which reads as follows:

“Appeal

An appeal against any order of the Tahsildar passed under the Act shall be filed before the officer in charge of Revenue Division in whose jurisdiction the property lies within a period of thirty days from the date of the receipt of the order. ”

5. Learned counsel further submitted that there was no interim order passed by this Court at the time of admission and no notice was issued by the first respondent to the petitioner before passing the impugned notice dated 25.10.2018.

6. Learned Government Advocate appearing for respondents 1 and 3 submitted a written instruction of the first respondent / RDO / Sub-Collector, Hosur, vide Na.Ka.No.4302/2018/A3 dated 25.06.2024, in which it is stated that the enquiry will be conducted by the first respondent / RDO / Sub-Collector, Hosur, since he is the Competent Authority to hear the appeal regarding the cancellation of patta and the orders will be passed at the earliest.

7. Learned Government Advocate further submitted that time frame



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may be fixed by this Court to conclude the enquiry by the first respondent.

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8. Taking into consideration the above factual aspects of the matter, the impugned notice issued by the first respondent in Na.Ka.No.4320/2018/B3 dated 25.10.2018 is hereby quashed and this Court directs the first respondent / RDO / Sub-Collector, Hosur, to conduct a detailed enquiry after giving due notice to both parties, opportunity of personal hearing to the petitioner as well as rival claimants/interested parties, if any, to take into consideration the documents filed by the parties and pass appropriate orders on merits, in accordance with law, thereby following the above principles of natural justice within a period of three months from the date of receipt of a copy of this order.

In the result, the writ petition stands disposed of with the above observation and direction. No costs. Consequently, connected miscellaneous petition is closed.

02.07.2024

cda

Index : Yes/No

Speaking/Non Speaking order

J.SATHYA NARAYANA PRASAD, J.



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To
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1.The Revenue Divisional Officer,
Hosur,
Krishnagiri District.

2.The Tahsildar,
Hosur,
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