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W.P.No. 2239 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.01.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.2239 of 2025
and WMP.No.2588 of 2025

- 1.Pedda Yellamma
- 2.Venkatesan
- 3.Ramakka
- 4.Chinna Yellamma
- 5.Muniyamma
- 6.Venkatachalapathy
- 7.Krishnan

.... Petitioners

Vs

- 1.The District Collector
Krishnagiri District
Krishnagiri.
- 2.The District Revenue Officer
Krishnagiri District
Krishnagiri.
- 3.The Tahsildar
Shoolagiri Taluk
Krishnagiri District.
- 4.The Revenue Inspector
Samanapalli Village



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Shoolagiri Taluk
Krishnagiri District.

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5.The Firka Surveyor
Samanapalli Village
Shoolagiri Taluk
Krishnagiri District.

6.The Village Administrative Officer
Samanapalli Village
Shoolagiri Taluk
Krishnagiri District.

7.Sambhav Homes & Infrastructure India
Private Limited
Rep by its Director
Mr.Shivananda Kadagad Virupaxappa
7th Floor, KRM Centre
No.2, Harrington Road
Chetpet, Chennai - 600 031.

8.Ecovast Space Realty Private Limited
Rep by its Director
Mr.Laxuman Shankerappa
No.1025/4, I Cross
Geetanjali Layout, HAL III Stage
Bangalore - 560 075.

9.The Revenue Divisional Officer
Veerappa Nagar
Krishnagiri
Krishnagiri District - 635 001.
[R9 suo motu impleaded vide order dated
29.01.2025 in W.P.No.2239 of 2025]

... Respondents



W.P.No. 2239 of 2025

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 3rd and 4th respondents to cancel Patta No.2406 in the name of the 8th respondent pertaining to vacant land measuring 4 Hectare 69.2 Ares comprised in Survey No.80 situated at Samanapalli Village, Soolagiri Taluk, Krishnagiri District, by considering the petitioner's representation / legal notice dated 03.12.2024.

For Petitioners : Mr.R.Jayaprakash
For Respondents : Mr. P.Sathish
Additional Government Pleader
[R1 to R6 & R9]

ORDER

The writ petition is filed seeking a mandamus to the respondents 3 and 4 to consider the petitioner's representation / legal notice dated 03.12.2024, to cancel Patta No.2406 that stands in the name of the 8th respondent, in respect of the vacant land measuring 4 hectares 69.2 ares comprised in Survey No.80 at Samanapalli Village, Soolagiri Taluk, Krishnagiri District.

2. The learned Additional Government Pleader appearing for the official respondents would submit that the authority concerned to consider the



representation of the petitioner is the Revenue Divisional Officer, who has not been made as a party in the present writ petition. Therefore, this Court *suo motu* impleads the Revenue Divisional Officer, Veerappa Nagar, Krishnagiri District as ninth respondent in this writ petition.

3. The short facts that led to the filing of the above writ petition is that the petitioners' father late G.Munusamy was in possession and enjoyment of his ancestral property measuring an extent of 1.70.0 hectares (4.19 acres) of land in Survey No.81/2 at Samanapalli Village, Krishnagiri District, and by virtue of UDR patta bearing Patta No.471. The petitioners' would submit that along with this land, the petitioners' father was also in enjoyment of 12 acres of land which was classified as Poromboke land in Survey No.80. The land in Survey No.80 was on uneven terrain filled with rocks. The petitioners' father had spent huge sums of money to level and make the land cultivable, wherein he had raised cholan, ragi and bengal gram plantations. The 'B' Memo and 2A receipts in respect of the said land also stands in the name of petitioners' father.

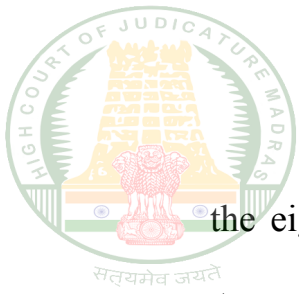
4. While so, the said Munusamy along with the elders in the village had



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constructed Muneeshwara Swamy Temple in the land i.e., at Survey No.80 and they were regularly conducting pooja in the said temple. On 09.08.2020, the petitioners' father passed away leaving behind the petitioners as his legal heirs. During his life time, Munusamy, the petitioners' father had made an application to the concerned officials for grant of patta in Survey No.80. Since no action was taken, he had filed W.P.No.12352 of 2016 before this Court. The learned Special Government Pleader who appeared on behalf of the official respondents made a submission that assignment of lands in hilly areas have been banned vide G.O.No.1168 (Revenue Department) dated 25.07.1989, and on this basis, the writ petition in W.P.No.12352 of 2016 was disposed of by order dated 23.09.2020. Even after the disposal of the said writ petition, the petitioners' father continued to be in possession of the property.

5. Be that as it may, the eighth respondent all of a sudden demolished the temple and disturbed the possession of the petitioners in respect of the land in Survey No.80. It is then on verification, the petitioners came to learn that the eighth respondent had purchased the property from the seventh respondent, and these respondents using their money and political power colluded with the respondents 1 to 6 and created patta No.2406 in the name of



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the eighth respondent in respect of 4.692 hectares of land in Survey No.80.

According to the petitioners, the property in Survey No.80 has not been purchased by the eighth respondent, however his name had been included in the patta. It is contended by the petitioners that this act of the official respondents runs contrary to the submissions that they have made in W.P.No.12352/2016 filed before this Court. The eighth respondent on the strength of the patta, is now attempting to dispossess the petitioners. Despite notice to the official respondents concerned to cancel the patta in the name of the eighth respondent and calling upon the respondents 7 and 8 not to disturb the peaceful possession of petitioners in respect of the lands in Survey No.80, there has been no response to the said representation dated 03.12.2024.

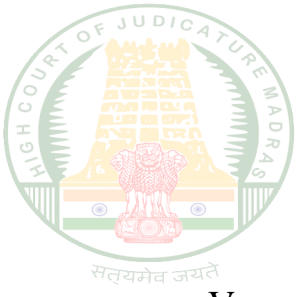
6. Heard the learned counsel for the petitioners and the learned Additional Government Pleader for official respondents.

7. The petitioners have come forward with the present writ petition for a mandamus to consider their representation dated 03.12.2024, in and by which they have called upon the respondents 1 to 6 herein to cancel the patta issued to the eighth respondent. No doubt, the representation was made on



03.12.2024, and the fact that the petitioners' father in the year 2016 had approached this Court by filing W.P.No.12352 of 2016, requesting to grant patta for Survey No.80, which had been turned out by the official respondents stating that the patta cannot be issued with respect to the lands in the hilly areas, since the assignment of lands in hilly areas had been banned vide G.O.No.1168 (Revenue Department) dated 25.07.1989.

8. Having made such a solemn representation/submission before this Court, the respondents have now turned around and granted patta to the eighth respondent in respect of the very same Survey No.80, which is questionable. That apart, from the narration in the affidavit filed in support of this petition, it appears that the sale deed under which the eighth respondent had purchased the property from the seventh respondent did not even reflect the property in Survey No.80, which had been originally in possession of the petitioners' father, and now with the petitioners' herein, after the demise of petitioners' father. Though the patta appears to have been granted for the subject property in Survey No.80, but it is not known under what category the patta has been granted to the eighth respondent.



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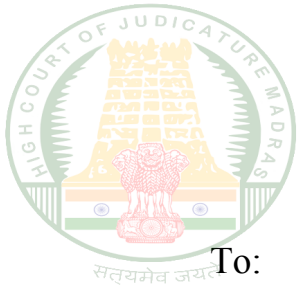
9. Therefore, a mandamus is issued to the Revenue Divisional Officer, Veerappa Nagar, Krishnagiri District, the newly impleaded 9th respondent to consider and pass speaking orders on the representation of the petitioners' dated 03.12.2024 after holding a due enquiry and also affording an opportunity of personal hearing to the interested parties, within a period of eight weeks from the date of receipt of a copy of this order. If the occupation of the eighth respondent is found to be illegal, he shall be dispossessed within a period of five months from today. Till such time, the eight respondent in Survey No.80 shall not be dispossessed from the said property.

10. With the above directions, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

29.01.2025

(2/2)

Index : Yes/No
Speaking order/non-speaking order
Neutral Citation: Yes/No
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To:

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P.T.ASHA, J.,

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