



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-09-2025

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THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN**WP No. 21867 of 2019**

S.Siraj

S/o. Sheik Ibrahim Saheb

Petitioner(s)

Vs

1. The District Collector,
Krishnagiri District.

2.The District Revenue Officer,
Krishnagiri District, Krishnagiri.

3.The Competent Authority (L.A)
N.H. Nos.7 and 46,
The Special District Revenue Officer,
Krishnagiri.

4.The Special Tahsildar (L.A)
N.H. No.7, Six Lane Roads, Unit-1,
Hosur, Krishnagiri District.

5.The Divisional Engineer,
National Highways, Krishnagiri,
Krishnagiri District.

6.The Tahsildar,
Shoolagiri Taluk Office, Shoolagiri,
Krishnagiri District.

Respondent(s)



PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus to call for the records of the 2nd Respondent issued in Pa.Mu.10490 /2018/ J2, dated 08.02.2019, quash the same and consequently direct the respondents 1, 2 and 6 to issue Patta to the Petitioner in respect of land to an extent of 0.43.0 Hectare in Survey No. 363/4A situate at Marudandapalli Village, Shoolagiri Taluk, Krishnagiri District, within the time to be stipulated by this Court.

For Petitioner(s): Mr.R.Bharath Kumar

For Respondent(s): Mr.S.Rajesh
Government Advocate

ORDER

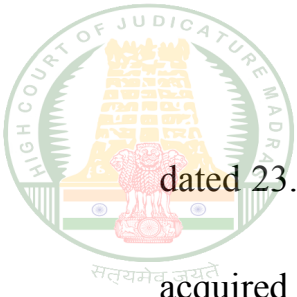
The writ petition has been filed as against the order dated 08.02.2019 on the file of the second respondent thereby rejecting the request made by the petitioner for issuance of patta in respect of the land to an extent of 0.43.0 Hectare comprising in Survey No. 363/4A situated at Marudandapalli Village, Shoolagiri Taluk, Krishnagiri District.

2.The petitioner's grandfather owned lands measuring an extent of 5.26 acres comprised in Survey No. 363/4 covered by Patta No.422, situated at Marudandapalli Village, Shoolagiri Taluk, Krishnagiri District. An enquiry was



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conducted under the provisions of Estate Abolition Act (Act 26 of 1948) for grant of Ryotwari Patta to the petitioner's grandfather by the Assistant Settlement Officer, Krishnagiri. After enquiry, by an order dated 31.05.1958, passed in R.P.No.50/57, patta was ordered to be issued for S.No.363/4. Subsequently, it was sub divided into 363/4A, 363/4B and 363/4C to an extent of 0.43.0 hectares, 0.45.5 hectares and 1.24.5 hectares respectively. The land in S.No.363/4B (0.45.5 hectares) was acquired by the National Highways Authority for the purpose of formation of NH No.7 road. The land comprised in S.No.363/4A and the land in S.No.363/4C were not acquired by the authority. However, the said land was used for installing stone crusher machine. That being so, the petitioner's grandfather died leaving behind the petitioner's father and two others as his surviving legal heirs to his estate. The land comprised in S.No.363/4A has been used by the National Highways for mixing black Tar with blue metal for formation of National Highways. Therefore, the petitioner could not utilise the said land and also to the shock and surprise of the petitioner, the revenue records have been wrongly mutated in the name of National Highways. In an enquiry, the Special Tahsildar had served a report



dated 23.02.2017, stating that the land comprised in Survey No.363/4A was not

acquired by the Government for any purpose. However, it was wrongly

mentioned in the revenue records that the land stands in the name of the

National Highways. Therefore, the petitioner had given a representation dated

11.05.2017 to the second respondent to change the revenue records accordingly.

However, the second respondent on the strength of the report submitted by the

fifth respondent rejected the petitioner's claim.

3.A perusal of the counter affidavit filed by the second respondent and the submissions of the learned counsel for both sides reveal that only based on the report submitted by the fifth respondent, the second respondent had rejected the claim made by the petitioner, which shows that the second respondent without considering the report of the fourth respondent, mechanically rejected the claim of the petitioner.

4.In view of the above, the order passed by the second respondent in Pa.Mu.10490/2018/J2, dated 08.02.2019, is set aside. The representation of the



petitioner is remitted back to the second respondent for fresh consideration. It is

made clear that the second respondent is directed to conduct a detailed enquiry

and the respondents 3 to 6 are directed to submit their fresh report in respect of

the subject land as to whether it was acquired by the National Highways or not?

On the strength of the report and original records, the second respondent is

directed to pass fresh orders within a period of twelve (12) weeks from the date

of receipt of a copy of this order.

5. Accordingly, the writ petition stands allowed. No costs.

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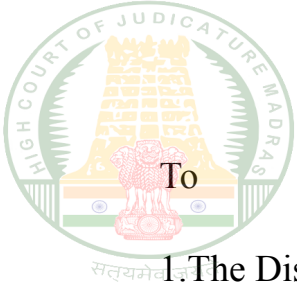
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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