

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.12.2016

CORAM:
THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.21639 of 2012
and M.P.No.1 of 2012

Thalapathi Murthy

... Petitioner

Vs

1.The District Collector,
Tiruvallore District.
Tiruvallore.

2. The Revenue Divisional Officer,
Tiruthani Taluk
Tiruvallore District.

3. The Thasildhar,
Tiruthani Taluk,
Tiruvallore District.

4. Vishnu Reddy *

... Respondents

* (R4- Impleaded as per Order dated 11.09.2012 in MP2/2012 in WP 21639 of 2012.)

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorari calling further records of the order of the second respondent in No.Mu.Mu.No. 2/452/2012, dated 26.04.2012 in connection with the property in S.No.149 in Venugopalapuram Village, Tiruthani Taluk, Tiruvallore District measuring of an extent of 8 Acres 64 ½ Cents and quash the same.

For Petitioner : Mr.P.Sivamani

For respondents : Mr.S.Navaneetham,
Addl. Government Pleader
for RR 1 to 3.
No appearance for R4

O R D E R

Heard Mr.P.Sivamani, learned counsel for the petitioner and Mr.S.Navaneetham, learned Additional Government Pleader appearing for the respondents 1 to 3 and with the consent on the either side, the writ petition is taken up for final disposal.

2. The petitioner has challenged the order of the second respondent dated 26.04.2012 in cancelling the patta granted in favour of the petitioner herein in respect of the property measuring to an extent of 8 acres 64 ½ cents comprised in S.No.149, Venugopalapuram Village Tirutani Taluk, Tiruvallur District.

3. The learned counsel for the petitioner would state that he has purchased the property in question from the vendor under a registered sale deed bearing No.Doc. No.4864 of 2008 at the office of Sub Registrar, Thiruvelangadu and since purchase, the petitioner is an absolute possession and enjoyment of the said property. It is the further case of the petitioner that upon receipt of a complaints / petitions from one Vishnu Reddy dated 5.6.2011 and 09.03.2012 the second respondent has cancelled the patta issued in favour of the petitioner. Aggrieved against which the petitioner is before this Court, challenging the legality of the same.

4. The learned counsel for the petitioner would submit that the second respondent without any authority as well as without following the procedure laid down under Section 10 of Patta Pass Book Act as erroneously cancelled the patta issued in favour of the petitioner and hence prays for an appropriate order. Further the learned counsel for the petitioner in support of his contention has placed various judgments.

5. Per contra, the learned Additional Government Pleader appearing for respondents 1 to 3 by referring to the counter affidavit would submit that the patta in the said land stood in the name of one Basavaiya Chetty and that several bogus documents have been created in respect of the said land by various persons on various occasions.

6. The learned Additional Government Pleader has drawn the attention of this Court to paragraph 8 of the counter and would submit that UDR Revenue "A" Register.

7. It is further contended that upon the complaints / petitions received from one Vishnu Reddy, a detailed enquiry has been conducted and the impugned order has been restored. The original position of the land in the name of Basavayya Chetty. Further none of the persons who created the bogus documents claimed to be genuine have not produced the death certificate either of Basavayya Chetty or his legal heirs and if any one of them submits the said certificate necessary changes in the patta will be made in their names.

8. It is further averred that an enquiry is pending on the petition submitted by the Vishnu Reddy before the District Revenue Officer, Tirvallore.

9. This court considered the rival submissions made by
<https://hcservices.ecourts.gov.in/hcservices/>

respective parties and also perused the materials placed before it.

10. In the light of the submissions made by the learned Additional Government Pleader and also as per Section 13 of Patta Passport Act 1983, the petitioner is having efficacious alternative remedy in the form of revision before the concerned District Revenue Officer.

11. In the result the Writ Petition stands disposed of. Consequently, connected Miscellaneous Petition is closed.

-sd/-

Assistant Registrar

/ TRUE COPY /

Sub-Assistant Registrar

vsi2

To

1. The District Collector,
Tiruvallore District.
Tiruvallore.
2. The Revenue Divisional Officer,
Tiruthani Taluk
Tiruvallore District.
3. The Thasildhar,
Tiruthani Taluk,
Tiruvallore District.

+1cc to Government Pleader SR.NO.72392

W.P.No.21639 of 2012

RSY(CO)

rvr 20/01/2017