



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2017

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH

AND

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

W.A. (MD) No.284 of 2015
and M.P. (MD) No.1 of 2015

V.V.Subramanian

... Appellant/Petitioner

Vs.

1.The Tahsildar,
Madurai North,
Madurai.

2.The Sub-Registrar,
Othakadai Sub-Registrar Office,
Y - Othakadai,
Madurai.
Now at Rajakambeeram,
Y. Othakkadai (Via),
Madurai - 625 107.

3.The Sub-Registrar,
Tallakulam Sub - Registrar Office,
Tallakulam, Maduari,
Now at Rajakambeeram,
Y.Othakkadai (Via),
Madurai - 625 107.

4.S.Martin

... Respondents/Respondents

Writ Appeal filed under Clause 15 of Letter Patent against the order passed by this Court in W.P.(MD)No.15004 of 2010 dated 25.02.2014.

Prayer in WP(MD). 15004/ 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for entire records pertaining to the Patta No. 228 village: 088 Uthangudi issued by the 1st respondent infavour of the 4th respondent and quash the same and directing the 1st respondent to issue the patta in the name of trust within the period that may be stipulated by this Honourable



For Appellant

: Mr.K.Sureshkumar

For Respondents 1 to 3

: Mr.M.Murugan
Government Advocate

For 4th Respondent

: Mr.N.Dilipkumar

JUDGMENT

(Judgment of the Court was delivered by **M.M.SUNDRESH, J**)

This writ appeal has been filed by the appellant aggrieved over the dismissal of the writ petition by the learned Single Judge, in which the patta issued by the Tahsildar was put to challenge.

2.The learned counsel appearing for the appellant would submit that the proceedings were concluded earlier against the respondent No.4 by the orders of the Revenue Divisional Officer, Madurai and the Commissioner of Land Administration. Therefore, it is not known as to how the patta was issued subsequently in the year 2010 by the Tahsildar. There is a suppression of facts involved, which would vitiate the solemn act. Therefore, the learned counsel for the appellant seeks to set aside the order of the learned Single Judge and the order of the 1st Respondent.

3.The learned counsel appearing for the 4th respondent would submit that the appellant has filed the suit for a declaration, declaring the sale deed executed in favour of respondent No.4 as null and void. This suit was dismissed. The title of the Trust has not been established before the Civil Court. The appellant has also filed an appeal against the decree and judgment of the trial Court, which is pending. In such view of the matter, no interference is required.

4.Admittedly, patta was issued by the first respondent on 29.06.2010. This patta was issued after the order passed by the revenue authorities followed by the decree of the Civil Court. Therefore, it is clear that the patta was issued after the decree of the Civil Court. The appellant merely challenged the patta issued, which is not an adjudication *per se*. We are unable to see any suppression of facts in the absence of any adjudication held. After all, patta is not a document of title, but one used for the revenue purposes and such patta is subject to possession.

5.In such view of the matter, the Writ Appeal stands dismissed. The learned Judge dealing with the appeal suit relating to the issue shall decide the appeal by not placing reliance upon the patta issued in favour of respondent No.4. In the event of the appellant succeeds in the appeal, he can very



well approach the 1st respondent for issuance of patta. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar

To

- 1.The Tahsildar,
Madurai North,
Madurai.
- 2.The Sub-Registrar,
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Y - Othakadai,
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Now at Rajakambeeram,
Y. Othakkadai (Via),
Madurai - 625 107.
- 3.The Sub-Registrar,
Tallakulam Sub - Registrar Office,
Tallakulam, Maduari,
Now at Rajakambeeram,
Y.Othakkadai (Via),
Madurai - 625 107.

+1 cc to Mr.K.Suresh Kumar , Advocate in SR.No. 77385

+1 cc to Mr.N.Dilip Kumar , Advocate in SR.No. 77021

sj

AE/MR KKR/SAR2/25.09.2017/3P/6C

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