

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2018

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.5546 of 2018
and
WMP.Nos.6853 & 6854 of 2018

P.Alikutty
Son of Kuttiamy

.. Petitioner

Vs.

1. The State of Tamil Nadu
Represented by its Secretary
Department of Revenue
Fort St.George
Chennai-600 009.
2. The District Revenue Officer
(Settlement Officer)
Gudalur Janman Lands
Gudalur, The Nilgiris District.
3. The District Collector
Collectorate, Udagamandalam
The Nilgiris District.
4. The Settlement Thasildar No.II
Gudalur
The Nilgiris.
5. The Thasildar
Gudalur Taluk
Gudalur, The Nilgiris.
6. Khadhi and Village Industries Commission
Represented by its Chairman
No.3, Irla Road, Vile Parle
(W) Mumbai - 400 056.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records in connection with the impugned order of the Settlement Thasildar No.II, Gudalur, The Nilgiris, the 4th respondent, bearing Ref.No.S.R.380/78 S.T.No.II/SEC 14 and 15/je

Act 24/69 dated 30.06.1978 and quash the same and further direct the respondents 1 - 5 to issue ground rent patta to the petitioner as per the provisions of the Gudalur Janmam Estates (Abolition and Conversion in to Ryotwari) Act, 1969.

For Petitioner : Mr.V.Prakash
Senior Counsel for
Mr.K.Sudalaikannu

For Respondents : Mr.R.Govindasamy
Special Government Pleader

O R D E R

The petitioner is aggrieved against the order dated 30.06.1978 passed by the Settlement Thasildar, the fourth respondent herein.

2. Heard Mr.V.Prakash, learned Senior Counsel appearing for the petitioner and perused the materials placed before this Court.

3. The petitioner, admittedly, the subsequent purchaser of the subject matter property, after passing of the impugned order by the fourth respondent, has come before this Court and filed the present writ petition, after such long number of years, however, by contending that he was not aware of the impugned order when he purchased the said land and therefore he, being the bonafide purchaser, must be shown some indulgence.

4. This Court, is not in a position to appreciate the above contention of the petitioner for two reasons. Firstly, the person from whom he purchased the property, who was a party to the order passed by the fourth respondent, which is impugned in this writ petition, namely one K.P.Madhava Menon was aware of the impugned proceedings and however, he has not chosen to challenge the same. On the other hand, he has sold the property to the petitioner in the year 1979 under Document No.1223/1979, even after he suffered the said order. Needless to say that the petitioner cannot have better title than his vendor and when such vendor has not chosen to challenge the impugned proceedings, the petitioner, as a subsequent purchaser from such vendor, is not entitled to challenge the same. Secondly, the challenge made before this Court, after such long number of years cannot be entertained on the ground of laches also. As this Court finds that the petitioner is not entitled to challenge the order even on merits, the petitioner has to lose the case also on the ground of laches as well. Accordingly, this writ petition fails and the same is dismissed. The dismissal of this writ petition will not however stand in the

way of the petitioner to challenge or file any suit against his vendor seeking for legally sustainable remedy, if any, is available to him under law. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary
The State of Tamil Nadu
Department of Revenue
Fort St.George
Chennai-600 009.
- 2.The District Revenue Officer
(Settlement Officer)
Gudalur Janman Lands
Gudalur, The Nilgiris District.
- 3.The District Collector
Collectorate, Udagamandalam
The Nilgiris District.
- 4.The Settlement Thasildar No.II
Gudalur
The Nilgiris.
- 5.The Thasildar
Gudalur Taluk
Gudalur, The Nilgiris.
- 6.The Chairman
Khadhi and Village Industries Commission
No.3, Irla Road, Vile Parle
(W) Mumbai - 400 056.

+1cc to Mr.K.Sudalaikannu, Advocate, S.R.No.19736
+1cc to the Government Pleader, S.R.No.20112

W.P.No.5546 of 2018

RSI(CO)
RRK(10/04/2018)