



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2019

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD)No.25799 of 2019 and

W.M.P. (MD)Nos.22328 and 22330 of 2019

S.Nagammai ... Petitioner
vs.

- 1.The District Collector,
Madurai, Madurai District.
- 2.The District Revenue Officer,
Madurai, Madurai District.
- 3.The Revenue Divisional Officer,
Madurai Zone, Madurai, Madurai District.
- 4.The Tahsildar,
Madurai New East Taluk,
Madurai Old North Taluk,
Narachingam Village, Madurai District.

5.A.Chellapa ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records pertaining to the impugned order in Ne.Mu.No.G2/36264/2013, dated 27.01.2016 on the file of the second respondent and quash the same.

For Petitioner : Mr.K.Suresh
For R1 to R4 : Mr.A.K.Baskara Pandian
Additional Government Pleader

O R D E R

This Writ Petition is filed for issuing a Writ of Certiorari, to quash the impugned order passed by the second respondent, dated 27.01.2016.

2.By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.



3.The petitioner states that he is the owner of the property in respect of an extent of 1 Acre 92 cents in S.No.154/3 situated at Narasingam 4th Bit Village, Madurai District. First of all, it is to be pointed out that the petitioner has filed an affidavit with several mistakes both on facts as well as grammatical. However, from the documents filed by the petitioner, this Court is able to see that the petitioner claims title to the property on the basis of a sale deed, dated 29.07.2007 executed by certain individuals, as owners of the property. In the sale deeds itself, it is stated that the property belongs to a private Trust, known as "Sri Raamanantha Sanivara Pajanai Madam". Based on the sale deeds, it appears that the petitioner got her name included in the revenue records as owner, by the order of Tahsildar. Subsequently, on appeal at the instance of a person, who claim to be a cultivating tenant, the Revenue Divisional Officer has cancelled the patta and the order of Revenue Divisional Officer is also confirmed by the second respondent/District Revenue Officer. Challenging the same, the above Writ Petition is filed.

4.From the facts recorded by the respondents 2 and 3, this Court is able to see that the property, for which the petitioner claims title patta, belonged to a trust, declared as a Public Religious Charitable Trust. The character of the Trust and its property has also been recognised in a suit in O.S.No.167 of 2005. The petitioner herself admits that in the suit, there was a direction to the HR & CE Board to frame necessary scheme for proper administration of the Trust for achieving the object of the founder of the trust. That being so, the character of the property, as one belong to Public Religious and Charitable Trust, has been confirmed by the Civil Court.

5.The petitioner in her own affidavit admitted that the decree of the Civil Court is not challenged in any forum by anyone including the predecessor-in-interest of the petitioner. That being the case, the sale deeds, through which the petitioner claims to have purchased the property, cannot convey title in favour of the petitioner. Assuming that the petitioner is a *bona fide* purchaser for value, that does not take her anywhere to claim any right on the basis of such fraudulent sale deeds executed by the person, who had no title at the time of registration of the documents. Hence, the impugned order is perfectly valid.

6.From the affidavit filed in support of the Writ Petition, no other legal issue is raised and the character of the Trust though claimed to be a private trust, is not supported by any documents. No other document is relied upon by the petitioner in the course of hearing. Hence, this Court has no hesitation to dismiss this Writ Petition. Accordingly, this Writ Petition is dismissed and the impugned order passed by the second respondent, dated 27.01.2016 is



confirmed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

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// True Copy //

Sub Assistant Registrar(CS)

Cmr

To

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+1 CC to SPL GP (SR-103561[F] dated 05/12/2019)

W.P. (MD) No.25799 of 2019

04.12.2019

MK (26.12.2019) 3P 6C