

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.6338 of 2020
and W.M.P.No.7470 & 7471 of 2020

K.Chandran,
S/o.Late Kasilingam,
Krishnapuram Village and Post,
Dharmapuri Taluk and District,
Pin Code - 635 2020.

...Petitioner

Vs.

- 1.The District Collector,
Dharmapuri District,
Dharmapuri.
- 2.The Superintendent of Police,
Dharmapuri District,
Dharmapuri.
- 3.The Tahsildar,
Dharmapuri Taluk,
Dharmapuri.
- 4.The District Registrar,
(Registration Department),
Dharmapuri District,
Dharmapuri.
- 5.The Sub Registrar Joint II,
Office of the Sub Registrar,
Dharmapuri - 636 701.
- 6.The Deputy Registrar of Co-operative Societies,
Nethaji Bye-Pass Road,
Dharmapuri Town.
- 7.The Inspector of Police,
Krishnapuram Police Station,
Dharmapuri District.
- 8.P.Kandasamy,
S/o.Palanivel Gounder,
Door No.1/26, Karattu Valavu,
Pallakuzhi Agraharam,

Shenbagamadevi,
Namakka Taluk and District.

9. Arul,
S/o.Kannu,
Krishnapuram Village and Post,
Dharmapuri Taluk and District.

10. Sridhar,
S/o.Rangan Chettiya,
Krishnapuram Village and Post,
Dharmapuri Taluk and District.

11. Madhu (Land Broker),
S/o.Kutty @ Muniappan,
10th Cross Street,
Nandhi Nagar,
Dharmapuri Town and Taluk.

12. Nagan,
S/o.Kasilingam,
Krishnapuram Village and Post,
Dharmapuri Taluk and District.

13. Military @ Kaliappan,
S/o.Kasilingam,
Krishnapuram Village and Post,
Dharmapuri Taluk and District.

14. Govindan,
S/o.Military @ Kaliappan,
Krishnapuram Village and Post.
Dharmapuri Taluk and District.

15. Velan,
S/o.Kuppan,
P.Mottupattu Post,
Dharmapuri Taluk and District.

16. Sakthivel,
P.Mottupatti Village,
Krishnapuram Post,
Dharmapuri Taluk and District.

17. The Revenue Divisional Officer,
Dharmapuri Revenue Division,
Dharmapuri.

...Respondents

(17th respondent impleaded as per order
dated 31.07.2020 in W.M.P.No.8763 of 2020)

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the third respondent to cancel the Patta No.1763 and 1674 and other proceedings of the revenue records in respect of the properties comprised in Survey No.303/4 and 302/6 situate at Krishnapuram Village, Dharmapuri Taluk and District based on the communication of the third respondent dated 20.01.2020 in C.Pa.No.01/2020/A1 and to conduct enquiry by issuing correct patta.

For Petitioner : Mr.C.Prabakaran
For Respondents: Mr.K.Parameshwaran
for R1 to R3 & R17

O R D E R

This writ petition has been filed for a direction to conduct an enquiry and cancel the patta and to issue patta in favour of the petitioner, within the time stipulated by this Court.

2. The case of the petitioner is that the subject property belonged to the father of the petitioner. He is said to have borrowed loan from the Co-operative Housing Society, Krishnapuram and since the loan was not discharged, the Society initiated recovery proceedings against the father of the petitioner. In order to resolve the dispute, the father of the petitioner executed sale deed in favour of the Society to the extent 1.70 ¼ acres out of total 3.29 acres. This property was sold by the society by dividing into plots to various persons more than the extent purchased from the petitioner's father and patta was issued in the year 2001, wherein the names of 21 persons were included in the patta. The grievance of the petitioner is that it was done even without executing sale deed.

3. The petitioner filed a suit before the District Munsif, Dharmapuri challenging the allotment of plot. The matter got settled and suit was withdrawn. However the terms of settlement was not complied with and they proceeded to execute the sale deed in favour of the third respondent. The same resulted in criminal case and FIR came to be registered in the year 2019.

4. The petitioner made a representation to the respondent for cancellation of the entry made in revenue records. Based on the representation, the third respondent issued a direction to the Revenue Inspector, Krishnapuram to give a detailed report. However in the meantime, the Tahsildar passed an order that the patta was given in favour of other persons by adding the survey numbers also. Therefore, the petitioner was seeking for cancellation of the entry made in revenue records and cancellation of patta.

5. When this matter came up for hearing, this Court indicated that the third respondent had already issued a patta and therefore if at all the petitioner wants cancellation of entry in the revenue records and cancellation of patta, he can only appeal before RDO, Dharmapuri under the Tamil Nadu Patta Pass Book Act. Thereafter, the petitioner filed an application for impleading RDO, Dharmapuri and the same was allowed by this Court and the RDO, Dharmapuri was added as the 17th respondent in the present writ petition.

6. Heard Mr.C.Prabakaran, learned counsel for the petitioner and Mr.K.Parameshwaran, learned counsel appearing on behalf of the respondents 1, 3 and 17.

7. Taking into consideration the facts and circumstances of the case and without going into the merits of the case, there shall be a direction to the petitioner to make a fresh representation to the 17th respondent namely RDO, Dharmapuri and the RDO Dharmapuri on receipt of the representation shall pass appropriate orders strictly in accordance with law. The RDO, Dharmapuri shall issue notice to all the interested parties before conducting an enquiry and passing final order. The process shall be completed within a period of four months from the date of receipt of copy of this order.

8. This writ petition is disposed of with the above direction. No cost. Consequently, connected miscellaneous petitions are closed.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To:

1.The District Collector,
Dharmapuri District,
Dharmapuri.

2.The Superintendent of Police,
Dharmapuri District,
Dharmapuri.

3.The Tahsildar,
Dharmapuri Taluk,
Dharmapuri.

4.The District Registrar,
(Registration Department),
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5.The Sub Registrar Joint II,
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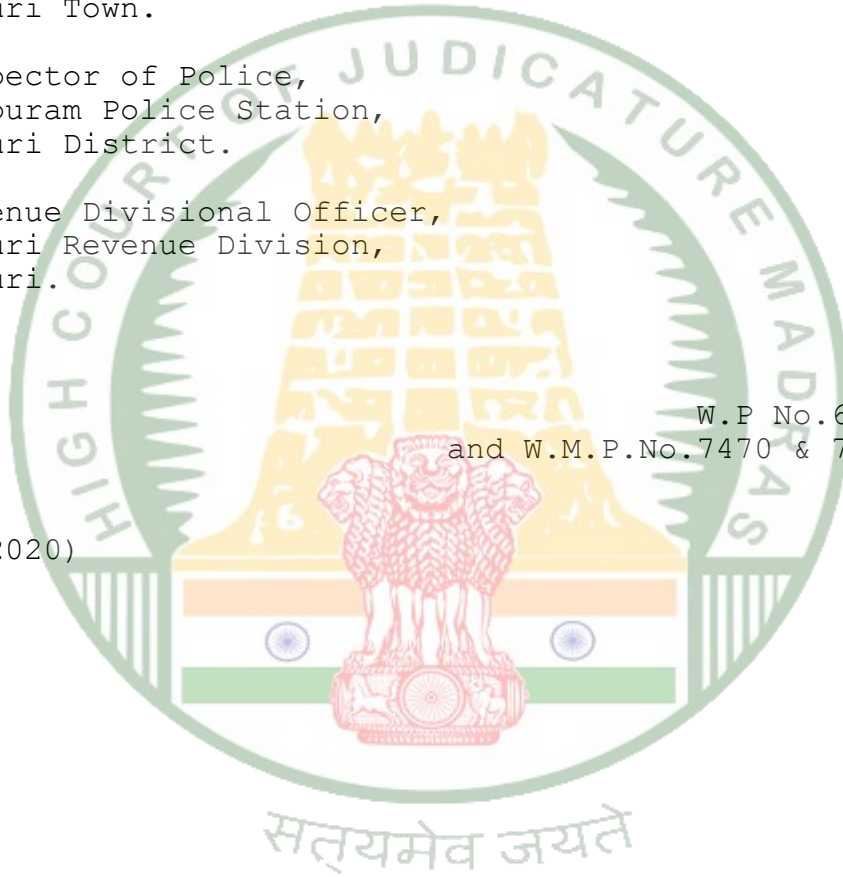
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W.P No.6338 of 2020
and W.M.P.No.7470 & 7471 of 2020

VGII (CO)
SP(31/08/2020)



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