



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2021

CORAM

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

WP.No.11323 of 2015 and
MP.No.1 of 2015

Senkottaiyan

...Petitioner

Vs

1. R.Gurusamy

2. The Tahsildar,
Kallakurichi,
Villupuram District

...Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records pertaining to the grant of patta No.126, A.Vasudevanur Village, Chinna Salem and quash the same insofar as it relates in survey No.72/4A, measuring 0.4.00 hectare, A.Vasudevanur Village, Chinna Salem, Villupuram District and restore the Patta in respect of the survey No.72/4A measuring 0.4.00 hectare in patta No.109, A.Vasudevanur Village, Chinna Salem, Villupuram District.

For Petitioner : Mr.R.Balasubramaniam

For Respondents

For R2 : Mr.Richardson Wilson
Government Advocate

For R1 : No appearance

ORDER

This Writ Petition is filed to issue a writ of certiorarified mandamus calling for the records pertaining to the grant of patta No.126, A.Vasudevanur Village, Chinna Salem and quash the same insofar as it relates to survey No.72/4A, measuring 0.4.00 hectare, A.Vasudevanur Village, Chinna Salem, Villupuram District and restore the Patta in respect of the



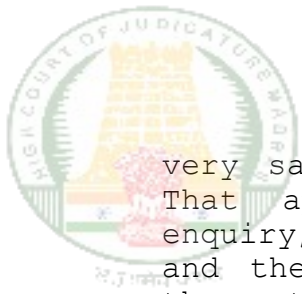
survey No.72/4A measuring 0.4.00 hectare in patta No.109, A.Vasudevanur Village, Chinna Salem, Villupuram District.

2. The petitioner purchased the property to an extent of 0.4.00 hectare in survey No.72/4A by the registered sale deed dated 15.03.1996. In pursuant to the said sale deed, the petitioner was issued patta in patta No.109. The first respondent also approached the vendor to purchase the said land and he could not succeed and attempted to interfere with the peaceful possession and enjoyment of the said property by the petitioner. Therefore, the petitioner was constrained to file a suit in OS.No.271 of 2002 on the file of the District Munsif Court, Kallakurichi and the same was decreed in favour of the petitioner for title and possession by the judgment and decree dated 05.10.2007. In the meanwhile, the first respondent approached the Revenue Divisional Officer and obtained patta transfer in his name from the vendor of the said property by the order dated 31.03.2003. Therefore, aggrieved by the same, the petitioner filed appeal before the Divisional Revenue Officer.

3. On perusal of the judgment and decree passed in OS.No.271 of 2002 and the sale deed executed in favour of the petitioner, the District Revenue Officer by order dated 10.02.2005 directed the second respondent to issue patta in favour of the petitioner. Accordingly, the second respondent issued patta for the subject property in favour of the petitioner herein in patta No.109. Again, the first respondent managed to get patta from the Deputy Tahsildar, Chinna Salem including the subject property in patta No.126.

4. The learned Government Advocate submitted that in pursuant to the decree passed in favour of the petitioner as well as the order passed by the District Revenue Officer by order dated 10.02.2005, the petitioner was issued patta in respect of the property comprised in survey No.72/4A admeasuring 0.4.00 hectares. The second respondent claimed patta for the very same property and he was issued patta along with some other property. However, the petitioner has to file an appeal under Section 12 of the Patta Passbook Act before the Revenue Divisional Officer and as such, the writ petition is devoid of merits and prayed for dismissal of the writ petition.

5. Admittedly, the petitioner has challenged the earlier patta proceedings issued in favour of the first respondent before the Revenue Divisional Officer and the District Revenue Officer directed the second respondent to issue patta on the strength of the sale deed registered in favour of the petitioner dated 15.03.1996. As directed by the District Revenue Officer, the second respondent issued patta in favour of the petitioner. However, the first respondent managed to obtain patta for the



very same property once again including the other properties. That apart, the second respondent without conducting any enquiry, when there is already dispute between the petitioner and the first respondent, mechanically issued patta including the petitioner's property. Therefore, it is liable to be set aside insofar as the petitioner's property alone.

6. Accordingly, this writ petition is allowed and the patta No.126, A.Vasudevanur Village, Chinna Salem issued in favour of the first respondent by the second respondent herein is hereby cancelled insofar as the property comprised in 72/4A admeasuring 0.4.00 hectare alone. Consequently, connected miscellaneous petition is closed. No order as to costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

The Tahsildar,
Kallakurichi,
Villupuram District

+1cc to the Government Pleader, S.R.No.39459

WP.No.11323 of 2015

CP(CO)
RGA(01/09/2021)