

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2021

CORAM

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

**W.P. No.12366 of 2011
and W.M.P. No.3 of 2011**

Lakshmi Electrical Control Systems Ltd.,
Rep.by its Authorised Signatory,
Arasur – 641 407,
Coimbatore.

... Petitioner

Vs

1.The Competent Authority and
Special District Revenue Officer (LA),
NH 47 & 67, No.3, Savarimuthu Chettiar Street,
Red Fields, Coimbatore – 45.

2.The Tahsildar,
Sulur Taluk,
Sulur.

3.R.Venkatachalapathy
4.Vijayakumari
5.R.Devi

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying to issue a Writ of Certiorarified Mandamus calling for the records of
the second respondent in his proceedings bearing M.M. No.14043/10 A3 dated
08.02.2011, quash the same and direct the second respondent to delete the
names of respondents 3 to 5 from Patta No.592 in respect of Survey no.147,
Arasur Village, Palladam Taluk, Coimbatore District.

For Petitioner : Mr. Mukunth
for M/s. Sarvabhauman Asso.

For Respondents 1&2 : Mr. M.Venkadesh Kumar
Government Advocate
3 : Mr. S.K.Krishnamoorthy
4&5 : No appearance

O R D E R

This Writ Petition is filed for issuing a Writ of Certiorarified Mandamus calling for the records of the second respondent in his proceedings bearing M.M. No.14043/10 A3 dated 08.02.2011, quash the same and direct the second respondent to delete the names of respondents 3 to 5 from Patta No.592 in respect of Survey no.147, Arasur Village, Palladam Taluk, Coimbatore District.

2. The property measuring to an extent of 3.87 acres comprised in S.No.147, Arasur Village, Palladam Taluk, Coimbatore, was purchased by the petitioner company under a registered sale deed dated 11.06.1982. It is stated that the Revenue Divisional Officer without verifying the prior records, on the basis of a sale deed dated 22.02.1946, included the names of the respondents 3 to 5 as joint pattadars. The petitioner has not produced any record to show that the property was registered in the holdings of petitioner's predecessors in title.

3. The petitioner states that patta was issued in its name based on the sale deed that was registered in the year 1982. The document of sale produced before this Court indicates that there were several transactions earlier to which the petitioner claims title to the property. The petitioner produced before this Court certain documents to show that it is in possession of the property. The impugned order passed by the second respondent was on the representation of respondents 3 to 5 who claimed right through one Thiru. Rangasamy Gounder. From the order impugned, it is seen that the second respondent has proceeded as if the properties were registered in the holdings of Thiru. Rangasamy Gounder. Absolutely there is no document that was referred to or relied upon by the second respondent in the impugned order to substantiate the claim of respondents 3 to 5. The findings of the second respondent is also self contradictory as the source of title is not properly derived. It is admitted that the petitioner is shown as a registered land owner as per the revenue records and the Tahsildar has the authority to modify the records only after issuing notice to the person whose name is already on record as the registered land owner. The respondents 3 to 5 are not claiming right under the petitioner to seek modification of records from the name of petitioner to the names of respondents 3 to 5. Any modification of entries in revenue record is feasible only on three contingencies as contemplated under the provisions of Tamil Nadu Patta Pass

Book Act.

4. This Court is of the view that the impugned order was passed in violation of principles of natural justice and without an application of mind. Therefore, this Court is convinced that the impugned order passed by the second respondent is liable to be quashed. Accordingly, the impugned order of second respondent dated 08.02.2011 is hereby quashed. However, liberty is granted to the second respondent to deal with the application of respondents 3 to 5. When an enquiry is conducted on the application of the respondents 3 to 5 by the second respondent, the second respondent shall give fair opportunity to the petitioner. The second respondent is directed to consider and dispose of the representation of respondents 3 to 5 only in accordance with law particularly the provisions of Tamil Nadu Patta Pass Book Act. The second respondent has no power or jurisdiction to confer title by going into disputed questions of facts.

5. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

16.02.2021

Index:Yes/No

Speaking order / Non speaking order

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To

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