



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.3412 OF 2010

AND

M.P.NOS.1 AND 2 OF 2010

L.S.Chandrika

... Petitioner

.Vs.

1. The District Revenue Officer,
Tiruvallur District, Tiruvallur.

2. G.A.Simon Raj

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records connected with the proceedings made in Na.Ka.No.10118/2009, Aa.3, dated 08.10.2009 on the file of the first respondent herein and quash the said proceedings and thereby directing the first respondent herein to issue patta in the petitioner name in respect of the property purchased by him situated at 136, Thodukkadu Madura, Namachivayapuram Village, Tiruvallur Taluk, comprised in S.No.30/2, measuring an extent of 2.62 acres or thereabouts with the building thereon, more fully described in the schedule appended to the writ petition.

SCHEDULE

Property situate at 136, Thodukkadu Madura, Namachivayapuram Village, Tiruvallur Taluk, comprised in S.No.30/2, measuring an extent of 2.62 acres or thereabouts with the Mangalore tiled house measuring 12 x 10 together with electricity connection bearing No.31, unused well, pump set situate within the limits of Thodukkadu Village Panchayat and Kadambattur Panchayat Union.

For Petitioner : Mr.R.Thiagarajan

For Respondents : Mr.Richardson Wilson
Government Advocate (for R1)

: Mr.V.Raghavachari
For Mr.K.Balaji (for R2)



O R D E R

This petition has been filed seeking to quash the proceedings made in Na.Ka.No.10118/2009, Aa.3, dated 08.10.2009 on the file of the first respondent and to direct the first respondent herein to issue patta in the petitioner name in respect of the property purchased by her situated at 136, Thodukkadu Madura, Namachivayapuram Village, Tiruvallur Taluk, comprised in S.No.30/2, measuring an extent of 2.62 acres or thereabouts with the building thereon, more fully described in the schedule appended to the writ petition.

2. The case of the petitioner is that the petitioner purchased the subject property by the sale deed dated 24.07.1997 registered vide document No.6968 of 1997. Whereas, the second respondent purchased the said property by way of registered sale deed document No.9955 of 2006 in the office of the Sub Registrar, Sriperumbudur. The second respondent sought for cancellation of patta issued in favour of the petitioner. The first respondent conducted enquiry and cancelled the patta issued in favour of the petitioner and directed the authority concerned to issue patta in favour of the second respondent herein by an order dated 08.10.2009.

3. The first respondent filed his counter and stated that the petitioner has suppressed the materials facts before this Court.

4. The vendor of the petitioner filed a suit along with certain applications and this Court dismissed those applications filed for various reliefs for the reason that the vendor of the petitioner has not made out a case that the vendor of the petitioner is the legally wedded wife of one CH.Sathyam. Therefore, the vendors of the petitioner is not entitled to get any interlocutory relief in those applications. Subsequently, the said suit was dismissed for default on 15.07.2002. Whereas, the second respondent purchased the subject property by the registered sale deed vide document No.9955 of 2006 from the legally wedded wife of the said CH.Sathyam viz., CH.Suguna. The said property originally belonged to the said CH.Sathyam who died intestate on 12.01.1989 leaving behind his wife as is only legal heirs. After his demise, she was issued Legal Heirship Certificate by the Tahsildar, Triplicane Taluk, Chennai dated 06.03.1989. Subsequent to demise of the said CH.Sathyam, the vendor of the petitioner herein and her daughter, who claim to be the wife and daughter of the said CH.Sathyam, have filed a suit in C.S.No.391 of 1989 before this Court for declaration to declare that they are the owners of the property and the same was dismissed by the judgment and decree dated 25.07.1989. Aggrieved by the same, they filed an appeal in O.S.A.No.49 of



1994 and the same was also dismissed. Thereafter, they have also filed O.S.No.5658 of 1997 on the file of the City Civil Court, Chennai for declaration to declare that they are the legal heirs of the said CH.Sathyam and the same was also dismissed by the judgment and decree dated 15.06.2002. Therefore, the said CH.Suguna, viz., the vendor of the second respondent, is the legally wedded wife and she is the only legal heir of the said late CH.Sathyam.

5. Therefore, without any semblance of title over the property, the vendor of the petitioner sold out the subject property on 24.07.1997 to the petitioner herein. In fact, the vendor of the second respondent herein applied for patta. However, the Tahsildar without considering the above said facts, issued patta to the vendor of the petitioner. Aggrieved by the same, the second respondent herein filed an appeal before the Revenue Divisional Officer, Thiruvallur to cancel the patta issued by the Tahsildar and direct the Tahsildar to issue patta in favour of the legal heirs of the deceased CH.Sathyam. In view of the said direction, the first respondent had issued patta in favour of the second respondent. The first respondent had rightly dismissed the revision petition.

6. The above facts are completely suppressed by the petitioner in this Writ Petition. In fact, the counsel who appeared for the petitioner was the counsel for the petitioner's vendor in the suit filed by her vendor. Even then, the petitioner suppressed all facts and filed this Writ Petition. The Hon'ble Supreme Court of India and this Court repeatedly held that the revenue authorities cannot decide the title in respect of the disputed property. However, already the vendor of the petitioner filed a suit and the same was dismissed. In fact, the vendor of the petitioner is not a legally wedded wife and as such, she had no right or title over the subject property.

7. In view of the above, this Writ Petition is devoid of merits. Accordingly, this Writ Petition is dismissed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

kv



To

The District Revenue Officer,
Tiruvallur District,
Tiruvallur.

WEB COPY

+1cc to Mr.K.Balaji, Advocate, S.R.No.39604

+1cc to Mr.R.Thiagarajan, Advocate, S.R.No.39558

+1cc to the Government Pleader, S.R.No.39771

W.P.NO.3412 OF 2010

BR(CO)

PBS/09/09/2021