



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.26852 of 2013

and

M.P No.1 of 2013 and WMP No.25687 of 2017

1.R.Murugian

2.T.Thiagarajan

...Petitioners

Vs

1.The District Revenue Officer

Ariyalur District

Ariyalur

2.The Revenue Divisional Officer

Ariyalur Division

Ariyalur District.

3.The Tahsildhar

Ariyalur Taluk

Ariyalur District

4.A.Govindaraju

...Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records pertaining to the orders of the first respondent in Pa.Mu 11742/2010(A2) dated 25.08.2013 confirming the orders of the second respondent in Mu.Mu. A5/3166/2009 dated 12.06.2010 relating to cancellation of patta in Survey Nos.318/2B1 & 318/2B2 at Kavanur Village, Ariyalur Taluk & District and quash the same.

For Petitioner : Mr.S.Kamadevan

For R1 to R3 : Mr.A.M.Ayyadurai
Government Advocate

For R4 : Mr.G.Purushothaman



ORDER

This writ petition has been filed for issuance of a Writ of Certiorari, to call for the records pertaining to the orders of the first respondent in Pa.Mu 11742/2010(A2) dated 25.08.2013 confirming the orders of the second respondent in Mu.Mu. A5/3166/2009 dated 12.06.2010 relating to cancellation of patta in Survey Nos.318/2B1 & 318/2B2 at Kavanur Village, Ariyalur Taluk & District and quash the same.

2. Heard, Mr.S.Kamadevan, learned counsel appearing for the petitioners, Mr.A.M.Ayyadurai, learned Government Advocate appearing for the respondents 1 to 3 and Mr.G.Purushothaman, learned counsel appearing for the fourth respondent.

3. The case of the petitioner is that the property, comprised in survey No.318/2B1 and 318/2B2 admeasuring to an extent of 0.23.0 and 0.47.0 ares situated at Kavanoor Village, Ariyalur Taluk, Ariyalur, is under possession and enjoyment of the petitioners. According to the petitioners, the subject lands are inherited by intestate succession. Originally, it belong to one Rangasamy Padayachi and he sold out the same to the father of the first petitioner and grandfather of the second petitioner, thereby they got title and right over the subject property. Accordingly, they were granted patta Nos.813 and 500 respectively for the said property. Thereafter, all the revenue records were also mutated in their name. After introduction of the Tamil Nadu Patta Pass Book Act, 1987, the third respondent conducted enquiry for issuance of patta to all the land owners. After verifying the documents and the statements recorded from the officials, issued separate patta in favour of the petitioners in the year 1995. However, the fourth respondent made an application before the second respondent to cancel the patta issued in favour of the petitioners, for the reason that the petitioners are only the lessees under his father. The second respondent cancelled the patta issued in favour of the petitioners and the same was also confirmed by the proceedings of the first respondent.

4. A perusal of the counter filed by the first respondent reveals that the fourth respondent submitted a petition before the second respondent for transfer of patta for the land comprised in survey No.318/2B1 to an extent of 0.23.0 hectare, survey No.318/2B2 to an extent of 0.47.0 hectare and survey No.318/2A2B to an extent of 0.12.0 hectare. These properties were purchased by the fourth respondent's grandfather during the year 1939 registered vide document No.1262. After demise of his grandfather, the father of the 4th respondent has given the subject lands as leased to the petitioners and other. During UDR, they have obtained patta in respect of the subject properties by falsely contending that they were the owners of the subject lands. The second respondent conducted a detailed enquiry, recorded the statement from the petitioners



and also received reports from the third respondent and other revenue officials. The reports reveals that the petitioners had no records for proof of title over the properties. Further, it is also proved that the subject lands were purchased by the fourth respondent's grandfather and his grandfather also granted Chitta pertaining to Patta No.428. Therefore, the respondents rightly cancelled the patta granted in favour of the petitioners and this Court finds no infirmity or illegality in the order passed by the second respondent. Therefore, the writ petition is devoid of merits.

5. In the result, the writ petition stands dismissed. However, the possession of the subject property is with the petitioners and as such, the fourth respondent is at liberty to take steps to recover the subject land from the petitioners in the manner known to law. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Revenue Officer,
Ariyalur District,
Ariyalur.
- 2.The Revenue Divisional Officer,
Ariyalur Division,
Ariyalur District.
- 3.The Tahsildhar,
Ariyalur Taluk,
Ariyalur District.

+1cc to Mr.G.Purushothaman, Advocate SR. No.63969
+1cc to Government Pleader SR. No.64346

W.P.No.26852 of 2013

and

M.P No.1 of 2013 &

W.M.P No.25687 of 2017

SMI (CO)

PR (25/01/2022)