



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.28293 of 2013
and M.P.Nos.1 to 3 of 2013

1.B.Ramasamy
2.B.Lakshmanasamy
3.B.Vedagiri
4.B.Shankar

... Petitioners

Vs

1. The District Revenue Officer,
Kanchipuram.
2. The Revenue Divisional Officer,
Chengalpattu,
Kanchipuram District.
3. The Tahsildar,
Thirukazhukundram Taluk,
Kanchipuram District.
4. N.Balasundram

... Respondents

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order of the first respondent made in his proceedings dated 12.03.2012 in N.K.No.22064/2011 N4 and the impugned order of the second respondent in his proceedings No.N.K.492/2011/B dated 26.05.2011 and quash the same, consequently direct the respondents restore the patta in the name of the petitioners and to effect relevant mutation in the village revenue records by recording the petitioners' name as Registered Possession Holders so far as the land to an extent of 836 sq.ft. comprised in New G.R Survey No.540-36, corresponding to Old Gramanatham Survey No.29/1B1A, in Village No.42, Thirukazhukundram Village and Taluk in Kanchipuram District, by cancelling the Sub-Division 540/36B made and patta No.1510 and Chitta issued in favour of the fourth respondent in respect of the same pursuant to the order of the second respondent in his proceedings No.N.K.492/2011/B dated 26.05.2011.



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For Petitioners : Mr.R.Krishnaswamy
For Respondents : Mr.Richardson Wilson,
1 to 3 Government Advocate
For Respondent 4 : Mr.M.Muthappan

O R D E R

This writ petition has been filed to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order of the first respondent made in his proceedings dated 12.03.2012 in N.K.No.22064/2011 N4 and the impugned order of the second respondent in his proceedings No.N.K.492/2011/B dated 26.05.2011 and quash the same, consequently direct the respondents restore the patta in the name of the petitioners and to effect relevant mutation in the village revenue records by recording the petitioners' name as Registered Possession Holders so far as the land to an extent of 868 sq.ft. comprised in New Survey No.540-36, corresponding Old Survey No.29/1B1A, in Village No.42, Thirukazhukundram Village and Taluk in Kanchipuram District, by cancelling the Sub-Division 540/36B made and patta No.1510 and Chitta issued in favour of the fourth respondent in respect of the same pursuant to the order of the second respondent in his proceedings No.N.K.492/2011/B dated 26.05.2011.

2. The case of the petitioners is that the third respondent was issued patta in patta No.1593 in favour of the petitioners jointly in respect of the property comprised in New G.R.Survey No.540/36 corresponding to the Old Gramanatham Survey No.29/1B1A admeasuring 1040 sq.mts., which is classified as Gramanatham situated at Village No.42, Thirukazhukundram Village, Kancheepuram District, based on the sale deed dated 18.06.2013 registered vide Document No.2419 of 2009 at the office of the Sub Registrar, Thirukazhukundram. The petitioners have purchased the said property for valuation of consideration, pursuant to the Decree for specific performance granted in O.S.No.169 of 1999 on the file of the Additional District Court cum Fast Track Court No.I, Chengalpattu filed by the petitioners as against their vendors.

3. However, agreed over the issuance of patta in favour of the petitioner the fourth respondent filed an appeal before the second respondent and the same was allowed and cancel the patta issued in favour of the petitioners. The second respondent also ordered to sub divide the subject property in respect of the disputed area of 868 sq.ft., and ordered to grant patta in favour of the fourth respondent. Aggrieved by the same, the



petitioners filed revision before the first respondent and the same was also confirmed the order passed by the second respondent. Therefore, as contemplated under Section 14 of the Patta Passbook Act, the petitioners ought to have file a suit for title in respect of the disputed property.

4. The Revenue Officials cannot decide the title over the property and as such the first respondent rightly rejected the revision filed by the petitioner. Therefore, this Court finds no infirmity or illegality in the order passed by the first respondent. However, as directed by the first respondent the petitioners are at liberty to approach the Civil Cour in respect of the disputed property admeasuring 868 sq.ft., which was issued patta in favour of the fourth respondent before the Civil Court in the manner known to law and if the petitioners succeeded in the suit it can very well approached the third respondent for issuance of patta.

5. Accordingly, this writ petition is dismissed. No order as to costs. Consequently, the connected M.P.Nos.1 to 3 of 2013 is dismissed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rna
To

1. The District Revenue Officer,
Kanchipuram.
2. The Revenue Divisional Officer,
Chengalpattu,
Kanchipuram District.
3. The Tahsildar,
Thirukazhukundram Taluk,
Kanchipuram District.

+1cc to Mr.M. Muthappan, Advocate, S.R.No.55781

W.P.No.28293 of 2013
and M.P.Nos.1 to 3 of 2013

SMI (CO)
CT 01/12/2021