



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.NO.1078 OF 2018

Dhandapani Spinning Mills Limited,  
Rep by its Managing director,  
Ravikumar Dhandhanian,  
S/o.Biswanath Dhandhanian,  
No.17F, Rajaji Salai,  
Salem - 636 007.

... Petitioner

.Vs.

1. The District Collector,  
Dharmapuri District,  
Dharmapuri.

2. The Tashildar,  
Kombaur Village,  
Pappiredipatty Taluk,  
Dharmapuri District.

... Respondents

PRAYER:- 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 proceedings in Nee.Mu.10533/2017/B4 dated 21.11.2017 quash the same and consequently direct the second respondent to issue patta pertaining to the land in S.No.82/2 admeasuring 2.76 hectares, Kombur Village, Pappireddipatty Taluk, Dharmapuri District in favour of the petitioner's company Dhandapanai Spinning Mills Private Ltd.

For Petitioner : Mr.Gopinath

For Respondents : M/s.Madhumathi  
Special Government Pleader

ORDER

This writ petition is filed for issuances of the Writ of Certiorarified Mandamus, calling for the records of the second respondent in proceedings in Nee.Mu.10533/2017/B4 dated



21.11.2017, quash the same and consequently direct the second respondent to issue patta pertaining to the land in S.No.82/2 admeasuring 2.76 hectors, Kombur Village, Pappireddipatty Taluk, Dharmapuri District in favour of the petitioner's company Dhandapanai Spinning Mills Private Ltd.

2. The case of the petitioner is that the petitioner has purchased certain lands, buildings and Machineries from Unnamalai Spinning Mills Private Limited, which was represented by its Managing Director Mr. K.Sampath. In the affidavit filed in support of the writ petition, it is stated that there was a sale agreement dated 14.07.2011 entered into between the petitioner and Unnamalai Spinning Mills Private Limited. The property was sold in favour of the petitioner and there was a delay on the part of the vendor, due to which, the petitioner's company had approached the Civil Court for specific performance in O.S.No.33 of 2012 on the file of Additional District Court, Dharmapuri. During the pendency of the said Suit, a compromise was entered between the two companies. The sale deed dated 17.02.2017 was executed by the Managing Director of Unnamalai Spinning Mills Private Limited in favour of the petitioner's company. As per the said sale deed, all the properties including building, machineries, lands and goodwill of M/s Unnamalai Spinning Mills Private Limited were transferred to the petitioner's Company. On the basis of the sale deed, the petitioner approached the second respondent for change of patta. The second respondent rejected the petition by the impugned order. Challenging the same, the present writ petition is filed.

3. The second respondent has rejected the petitioner's representation only on the ground that the original patta stands in the name of S.A.Kumarasamy and that the petitioner has not obtained any document from the legal heirs of S.A.Kumarasamy.

4. The learned counsel for the petitioner has produced the original sale deeds before this Court, from which, it is seen that the properties were originally purchased in the name of the company Unnamalai Spinning Mills Private Limited by its, then Managing Director S.A.Kumarasamy through 3 sale deeds. He further submitted that patta No.284 issued by the revenue authorities clearly indicates the name of Unnamalai Spinning Mills Private Limited as owner and that the registrar of companies had granted approval for the sale of properties of Unnamalai Spinning Mills Private Ltd.

5. The sale deed clearly indicates that the property was purchased by the Company Unnamalai Private Limited through its Managing Director. Therefore, the company by name Unnamalai Private Limited is the absolute owner of the property. It is the specific case of the petitioner that the property was purchased



by the petitioner from Unnamalai Private Limited through the Managing Director of the Company. In such circumstances, the property cannot be registered in the name of the individual persons. The company is the actual owner and hence, there is no requirement to get the sale deed from the legal heirs of the Managing Director of the Company, who has no independent right to claim title or ownership over the property. The property did not become the property of individual who was the Managing Director of the Company when the property was purchased. In the said circumstances, reason given by the respondents to refuse to grant patta in favour of the petitioner or to transfer the patta in favour of the petitioner cannot be accepted.

6. Considering the facts and circumstances of this case, this writ petition is allowed and this Court directs the second respondent to transfer patta in the name of the petitioner's company in respect of the property purchased by the petitioner on 17.02.2017. This exercise shall be done by the second respondent within a period of two weeks from the date of receipt of a copy of this order. No costs.

Sd/-  
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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Copy To

1. The District Collector,  
Dharmapuri District,  
Dharmapuri.
2. The Tashildar,  
Kombaur Village,  
Pappiredipatty Taluk,  
Dharmapuri District.

+1cc to Mr.S.P.Yuaraj, Advocate, S.R.No.18947  
+1cc to the Government Pleader, S.R.No.18607

W.P.NO.1078 OF 2018

PL(CO)  
PBS/22/09/2021