



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2021

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.13749 of 2019
and W.M.P.No.13826 of 2019

- 1.N.Subramani
- 2.N.Dhakshinamurthy
- 3.A.Usha Jayanthi
- 4.Mrs.G.Suguna
- 5.Mrs.B.Hamsa
- 6.S.Gowri

...Petitioners

Vs.

- 1.The District Collector,
Collectorate, Thiruvallur,
Thiruvallur District,
Pin - 601 201.
- 2.The Revenue Divisional Officer,
Ponneri,
Ponneri Taluk,
Thiruvallur District,
Pin - 601 204.
- 3.The Tahsildar,
Taluk Office,
Gummidipoondi,
Gummidipoondi Taluk,
Thiruvallur District,
Pin - 601 204.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the 2nd and 3rd respondents to dispose our representation dated 20.02.2019 for cancellation of Patta Nos.621, 486, 6060 and 365 in all measuring acre 3.76 cents forming part of acre 3.85 cents comprised in Punja Survey No.64/3, Patta No.365, situated at No.62, Peddikuppam Village, Gummidipoondi Taluk, Thiruvallur District, pending disposal of the writ petition.

For Petitioners : Mr.P.Dhananjayan



For Respondents : Mr.V.Veluchamy
Government Advocate

ORDER

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This writ petition has been filed for a mandamus to direct the respondents 2 and 3 to dispose their representation dated 20.02.2019 for cancellation of Patta Nos.621, 486, 6060 and 365 in all measuring acre 3.76 cents forming part of acre 3.85 cents comprised in Punja S.No.64/3, Patta No.365, situated at No.62, Peddikuppam Village, Gummidipoondi Taluk, Thiruvallur District.

2.The case of the petitioners is that they are the co-owners of the agricultural lands measuring acre 3.76 cents forming part of acre 3.85 cents comprised in Punja S.No.64/3, Patta No.365, situated at No.62, Peddikuppam Village, Gummidipoondi Taluk, Thiruvallur District.

3.The petitioners submit that they are the legal heirs of the late O.N.Nataraja Reddiar who had purchased the lands measuring acre 3.85 cents under the Sale Deed dated 09.03.1945 registered vide Document No.1332/1945 before the SRO, Ponneri executed by Veeraragavalu Chettiar, Subba Rao Chettiar, Kishtaiyan, minor aged about 11 years, Seshaiyan, minor aged about 5 years, minors represented by their father and natural guardian.

4.The petitioners further submit subsequent to the purchase of the schedule mentioned lands their father viz., O.N.Nataraja Reddiar was in lawful possession and enjoyment of the same by doing cultivation and by paying necessary kist to the Government.

5.According to the petitioners, their father O.N.Nataraja Reddiar died intestate on 03.01.1984 leaving behind him the following legal heirs:

i.N.Saraswathi	-	Wife
ii.N.Subramani	-	Son
iii.N.Dhakshinamurthy	-	Son
iv.N.Andiappan	-	Son
v.G.Suguna	-	Daughter
vi.B.Hamsa	-	Daughter
vii.S.Gowri	-	Daughter

6.The petitioners submit that subsequent to the death of their father O.N.Nataraja Reddiar, his wife, sons and daughters were in lawful possession and enjoyment of the schedule mentioned agricultural lands and other properties and their mother viz., Mrs.N.Saraswathi died on 20.12.2018.



7.The petitioners further submit during the month of July 2017 when they have applied for the Encumbrance Certificate, they came to know that one Mr.R.Arjun Reddy is trying to buy their agricultural lands based on the patta which was wrongly issued to the following persons:

(i)Patta No.621, Punja S.No.64-3B2, 0.42 ares = acre 1.04 cents in the name of Valeeswaran Reddy.

(ii)Patta No.486, Punja S.No.64-3B3, 0.42 ares = acre 1.04 cents in the name of Masilamani.

(iii)Patta No.6060, Punja S.No.64-3B4, 0.41 ares = acre 1.01 cents in the name of Kasthuri, Indira, Emili, Pachaiammal.

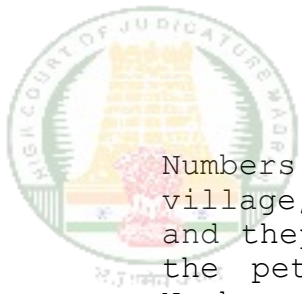
8.According to the petitioners, on verification of the Revenue Records, they came to know that the patta was wrongly issued to Valeeswaran Reddy, Masilamani, Kasthuri, Indira, Emili, Pachaiammal without any title deeds and therefore the same will not bind over them.

9.The petitioners have no other alternative remedy except to approach this Court under Article 226 of the Constitution of India. Hence, the writ petition filed.

10.The learned Government Advocate for the respondents filed a counter on behalf of the respondents 1 to 3, wherein it is stated that an extent of 4.85 acres as Manavari in S.No.64/3 of Pethikuppam Village in Gummidipoondi Taluk, Tiruvallur District stood registered in the name of Sannsi Chetty in Patta No.118 of as per the Revision Survey and Resettlement Register of the said village and S.No.64/3 has been sub-divided as follows and the new sub-division are registered as follows during the implementation of the updating registry scheme in Pethikuppam Village.

S.No .	Survey No.	Classificati on	Extent (in Hectre)	Patta No. and Name of the Pattadar
1	64/3B1	Manavari	0.08.0	530.R.Murugesu Reddy
2	64/3B2	Manavari	0.42.0	621.Valeeswaran
3	64/3B3	Manavari	0.42.0	486.Masilamani
4	64/3B4	Manavari	0.41.0	546.Ranganadha Reddy
5	64/3B5	Manavari	0.23.0	365.Nataraja Reddy

11.It is stated in the counter that the petitioners by surprising the above legal impediments in respect of the Survey



Numbers 64/3B1, 64/3B2, 64/3B3, 64/3B4 and 64/3B5 of Pedikuppam village, have filed this writ petition before the Hon'ble Court and they have not approached the Hon'ble Court with clean hands, the petitioners as well as the existing pattadars of Survey Numbers 64/3B1, 64/3B2, 64/3B3, 64/3B4 and 64/3B5 of Pedikuppam village have been instructed that action could be pursued in the matter of mutation of patta entries in respect of lands in issue dependents upon the decree that may be passed by the learned District Munsiff Court cum Judicial Magistrate Gummidipoondi in O.S.No.25/2019 and O.S.No.91/2019 in the proceeding passed by the 3rd respondent in R.C.No.668/2019/B1 on 27.08.2019.

12.It is further stated in the counter that Arjuna Reddy has filed O.S.No.164 of 2013 against Ravammal, Kasthuri, India, Emili and Pachaiyammal before the learned District Munsiff Court, Ponneri in respect of the lands under dispute, the above Arjuna Reddy has also filed O.S.No.274 of 2014 against V.Kannadasan and V.Elumalai before the learned District Munsiff Court, Ponneri in respect of the lands in issue and the above O.S.No.164 of 2013 and O.S.No.274 of 2014 pending in the learned District Munsiff Court, Ponneri were transferred to the learned District Munsiff Court cum Judicial Magistrate, Gummidipoondi and the same have been renumbered as O.S.No.25 of 2019 and O.S.No.91 of 2019 respectively these two suits are in the status of trial not in the list. (Lis pendens).

13.Furthermore stated in the counter that with respect to grounds raised in para 12(a) to (b) the 3rd respondent has since passed orders on the representation of the petitioners given by them on 20.02.2019 office enquiring the petitioners as well as the existing pattadars of S.Nos.64/3B1, 64/3B2, 64/3B3, 64/3B4 and 64/3B5 of Peddikuppam village on 27.08.2019 and hence, the prayer of the petitions was complied with.

14.Heard learned counsel for the petitioners and the learned Government Advocate for the respondents and perused the materials available on record.

15.On scrutiny of the counter submitted by the learned Government Advocate, it is seen that the representation of the petitioners dated 20.02.2019 has already considered and appropriate orders has also passed by the third respondent on 27.08.2019.

16.In view of the above facts and circumstances of the case and considering the submission made by either side and this court is of the view that since the representation of the petitioners dated 20.02.2019 have already been considered, the writ petition is to be dismissed. Accordingly, this writ petition is dismissed. No costs. Consequently, connected



miscellaneous petition is closed. However, it is left open to the petitioners to approach the competent civil court to redress their grievances regarding the orders passed by the said respondent.

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Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Collectorate, Thiruvallur,
Thiruvallur District,
Pin - 601 201.
2. The Revenue Divisional Officer,
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Ponneri Taluk,
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3. The Tahsildar,
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Gummidipoondi Taluk,
Thiruvallur District,
Pin - 601 204.

+1cc to the Government Pleader, S.R.No.53193

W.P.No.13749 of 2019

PVS(CO)
CT/03/01/2022