



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.13844 of 2018

and

W.M.P.Nos.16345 & 16346 of 2018

Nirmalkumar

....

Petitioner

Vs

1. The District Revenue Officer,
Villupuram District,
Villupuram.

2. The Revenue Divisional Officer,
Kallakurichi Taluk,
Villupuram District.

3. The Tahsildar,
Sankarapuram,
Villupuram District.

4. Angammal

....

Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records relating to the order passed by the first respondent in her proceedings vide Pa.Mu.Aa3/22148/2014 dated 03.04.2018 and quash the same.

For Petitioner : Mr.S.J.Raja Janakiraman

For R1 to R3 : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This Writ Petition has been filed for issuance of Writ of Certiorari, calling for the records relating to the order passed by the first respondent in her proceedings dated 03.04.2018 in Pa.Mu.Aa3/22148/2014 and quash the same.

2. Heard, Mr.S.J.Raja Janakiraman, learned counsel appearing for the petitioner and Mr.Yogesh Kannadasan, learned



Special Government Pleader appearing for the respondents.

3. The case of the petitioner is that the petitioner's brother viz., Ponnusamy purchased the property comprised in survey No.228/1B admeasuring to an extent of 38 cents. Originally, the said property belonged to one Krishnasamy Naidu and subsequently, it was settled in favour of Venkatapathy Naidu by a gift deed dated 01.06.1979 registered vide document No.1233 of 1979. From the said Venkatapathy Naidu the petitioner's brother purchased the said property by a registered sale deed dated 07.03.1989 vide document No.1231 of 1989. The petitioner and his another brother filed a suit for partition against their elder brother viz., Ponnusamy in O.S.No.146 of 2001 on the file of the District Munsif Court, Kallakurichi and the same was disposed of by recording the settlement between them by a Judgement and Decree dated 28.03.2001. Accordingly, the petitioner and his brothers were allotted a share of 9 ½ cents each. His brother executed a sale deed insofar as his share is concerned in favour of one Kanimozhi.

4. While being so, the fourth respondent filed a petition before the second respondent to cancel the patta issued in favour of the petitioner and his brothers. On receipt of the same, the second respondent conducted enquiry and passed orders on 10.10.2014 and directed to issue patta in favour of the fourth respondent. Aggrieved by the same, the petitioner filed an appeal before the first respondent and the same was dismissed by an impugned order dated 03.04.2018.

5. A perusal of the counter filed by the first respondent reveals that the fourth respondent claimed the subject property comprised in survey No.228/1B as she is an absolute owner of the said property without hindrance from any third party. She also submitted the documents to establish her ownership and possession over the subject property comprised in survey No.228/1B to an extent of 0.16.0 hectares. While the enquiry conducted by the second respondent found that on 11.02.1958, one Muthammal had purchased the agricultural land to an extent of 0.16.0 hectares comprised in survey No.228/1 situated at Vadasiruvallur Village, Sankarapuram Taluk, Villupuram District from Rajammal by a registered document No.371 of 1958. Thereafter, the fourth respondent purchased the said property from Muthammal. Accordingly, the second respondent cancelled the entires made in respect of the property comprised in survey No.228/1B made in the name of Kanimozhi and Venkatapathy Naidu and directed the Tahsildar to register the name of the fourth respondent in the revenue records.

6. Therefore, this Court finds no infirmity or illegality in the order passed by the first respondent and the writ



petition is devoid of merits. However, the petitioner is at liberty to approach the Civil Court to ascertain the title in his favour and on the strength of the decree he can very well approach for the third respondent for issuance of patta for the subject property.

7. In the result, the writ petition stands dismissed. 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,
Villupuram District,
Villupuram.
- 2.The Revenue Divisional Officer,
Kallakurichi Taluk,
Villupuram District.
- 3.The Tahsildar,
Sankarapuram,
Villupuram District.

+lcc to the Government Pleader, S.R.No.60723

W.P.No.13844 of 2018
and

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CP (CO)
SB (30/12/2021)