



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P. No. 14364 of 2021

and

W.M.P.No.15267 of 2021

V.Shanmugam

... Petitioner

Vs

The Tahsildar,
Kangayam Taluk,
Kangeyam,
Tiruppur District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the respondent in his proceedings Na.Ka.No.1489/2021/A6, dated 10.06.2021 and quash the same and consequently directing the respondent to issue patta in favour of the petitioner in respect of the house site situated in R.S.No.483/13 Nall Road Village, Kangeyam Taluk, Tiruppur District.

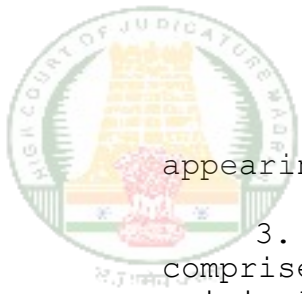
For Petitioner : Mr.C.Prakasam

For Respondent : Mr.Yogesh Kannadasan
Government Advocate

O R D E R

This Writ Petition has been filed for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the respondent in his proceedings dated 10.06.2021 in Na.Ka.No.1489/2021/A6 ; quash the same and consequently directing the respondent to issue patta in favour of the petitioner in respect of the property comprised in R.S.No.483/13 situated at Nall Road Village, Kangeyam Taluk, Tiruppur District .

2. Heard, Mr.C.Prakasam, learned counsel appearing for the petitioner and Mr.Yogesh Kannadasan, learned Government Advocate



appearing for the respondent.

3. The case of the petitioner is that the property comprised in survey No.483/13 to an extent of 15 ½ cents was originally purchased by his grandfather Arumuga Mudaliar by the registered sale deed dated 15.02.1939 and 19.05.1948. After demise of his grandfather, his father was in possession and enjoyment of the said property. Thereafter, the petitioner and his brothers filed a suit in O.S.No.125 of 2020 on the file of the District Munsif Court, Kangayam, for partition and on compromise, the said suit was decreed. On the strength of the decree, the petitioner applied for patta. It was rejected on the ground that the said land was classified as 'Natham Poromboke' and the petitioner failed to produce any document to show that he is in possession and enjoyment of the property.

4. The learned counsel for the petitioner would submit that he produced house tax receipts, which stood in the name of his father before the respondent. However, the respondent, without considering the same, mechanically rejected the representation of the petitioner. The petitioner failed to produce the documents to show his possession and enjoyment of the subject property.

5. The respondent filed a counter stating that the petitioner sought for patta only on the strength of the compromise decree passed in Lok Adalat in O.S.No.125 of 2020. The land is classified as 'Government Poromboke' and the petitioner filed a suit by way of his brothers and obtained decree. The subject land is a vacant land and the petitioner is not in possession and enjoyment of the same. Admittedly, the petitioner filed a suit in O.S.No.125 of 2020 against his brothers for partition. Immediately, they entered into a compromise and the entire property was allotted in favour of the petitioner.

6. On the strength of the decree, the petitioner applied for patta. Though the said land was classified as 'Government Poromboke', the revenue officials were not impleaded as a party in the said suit. Thus, it is clear that it is a collusion suit between the petitioner and his brothers and obtained compromise decree. Except the decree, the petitioner produced some house tax receipts stood in the name of his father.

7. On perusal of those receipts, nothing whispered about the subject land and those receipts are not pertinent to the subject land. That apart, the petitioner failed to produce any document to show that the petitioner or his father are in possession and enjoyment of the subject land. Even according to the petitioner, the subject land was purchased by one Arumuga



Mudaliar-grandfather, after his demise, his father enjoyed the property. The petitioner also failed to produce any document to show that he is a grandson of the said Arumuga Mudaliar. That apart, when his father Veerappa Mudaliar is very much alive, the suit for partition has been filed by the petitioner and his brothers. It shows that it is a collusion suit between the petitioner and his brothers. Therefore, the respondent rightly rejected the claim of the petitioner. This Court finds no infirmity or illegality in the order passed by the respondent. Therefore, the writ petition is devoid of merits.

8. In the result, the Writ Petition stands dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Lpp

To

The Tahsildar,
Kangayam Taluk,
Kangeyam,
Tiruppur District.

+1cc to the Government Pleader, S.R.No.58035

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and
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RP(CO)
SU(21/12/2021)