



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.03.2021

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P.No.2728 of 2018

and

W.M.P.No.3370 of 2018

J.Babu @ J.P.Karunanidhi

... Petitioner

Vs.

1. The District Collector,  
Krishnagiri District.

2. The Tashildar,  
Bharugur Taluk,  
Bharugur,  
Krishnagiri District.

3.Venkatesan

4.Sampoorna

... Respondents

Prayer: Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents 1 and 2 from in any way issuing patta to the petitioner's lands comprised in S.Nos.540/1B, 540/2 abd 529/1B situated in Chinnathimminayanapalli, Bharugur Taluk, Krishnagiri District, in favour of the 3<sup>rd</sup> and 4<sup>th</sup> respondents herein pursuance to the petitioner's representation dated 22.01.2018.

For Petitioner : Mr.S.Vijayakumar

For Respondents : Mr.I.Sathish  
AGP for R1 and R2  
N.E.A.Dinesh for R4

ORDER

This writ petition is filed for issuance of a Writ of Mandamus, forbearing the respondents 1 and 2 from in any way of



issuing a patta to the petitioner's lands comprised in S.Nos.540/1B, 540/2 and 529/1B situated in Chinnathimminayanapalli, Bharugur Taluk, Krishnagiri District, in favour of the 3<sup>rd</sup> and 4<sup>th</sup> respondents herein in pursuance to the petitioner's representation dated 22.01.2018.

2. In the affidavit filed in support of the writ petition, it is stated as follows:-

The petitioner's father was a Retired Railway Employee and he had land in S.Nos.540/1B, 540/2 and 529/1B situated in Chinnathimminayanapalli, Bharugur Taluk, Krishnagiri District. Originally the land belonged to the petitioner's grandfather namely one Muniswamy. After the death of the petitioner's grandfather, the petitioner's father got the property by inheritance. The petitioner's father wanted loan, therefore he approached the Tamil Nadu Industrial Investment Corporation, Chennai and got a loan. It is admitted that the property was mortgaged to the bank and the said property was brought to sale by way of auction for non repayment of the loan amount. However, it is contended that the petitioner's father had no right to deal with shares of the petitioner and his family members in the property which was mortgaged to Tamil Nadu Industrial Investment Corporation, Chennai. The third and fourth respondents are the auction purchasers, who are claiming to be in possession of the land and building. Therefore, the third and fourth respondents approached the second respondent to give patta in their favour. Thereafter, the petitioner approached the Tashildar by way of representation, wherein it is stated that the properties belong to the members of his family and that therefore, patta cannot be transferred infavour of the purchasers namely the third and fourth respondents in the present writ petition.

3. A counter affidavit has been filed by the second respondent, wherein, it is stated that the third respondent had purchased the said land in public auction. Hence, the third respondent has requested the second respondent to transfer patta for the land in his favour. As per the records submitted by him, it is stated that he is the actual owner of the land. It is contended that the petitioner has no right to seek transfer of patta in his favour.

4. The petitioner has not produced any record or materials either before the respondents or before this Court to prove the character of property. In such circumstances, the petitioner cannot get any relief on the basis of his representation. Surprisingly, the petitioner has not filed any suit. Atleast a partition suit could have been filed as the property has been brought to sale and the purchaser is in possession.



5. This Court has no reason to entertain this writ petition. Accordingly, this writ petition is dismissed with liberty to the petitioner to approach the Civil Court to establish his right over the property. No Costs. Consequently, the connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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Copy to

1. The District Collector,  
Krishnagiri District.
2. The Tashildar,  
Bharugur Taluk,  
Bharugur,  
Krishnagiri District.

+1cc to Mr.S.Vijayakumar, Advocate, S.R.No.14489  
+1cc to Mr.V.Nicholas, Advocate, S.R.No.13544  
+1cc to the Government Pleader, S.R.No.14211

W.P.No.2728 of 2018

JPL(CO)  
HS(23/07/2021)