



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2021

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.18221 of 2014

and

M.P.No.1 of 2014

Jalagam Muralikrishna

... Petitioner

Vs

1. The District Revenue Officer,  
Tiruvallur.

2. The Revenue Divisional Officer,  
Ponneri, Tiruvallur District.

3. The Tahsildar,  
Ponneri Taluk, Thiruvallur District.

4. Subramaniam

5. Balamurugan

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus by calling for the records pertaining to order made in Na.Ka.No.34509/2009/Aa3 dated 17.12.2013 on the file of the 1<sup>st</sup> respondent herein confirming the order made in Na.Ka.10792 of 2002/Aa2 dated 9.10.2009 on the file of the 2<sup>nd</sup> respondent, confirming the order made in Na.Ka.No.10389/08/A2 dated 11.11.2008 on the file of 3<sup>rd</sup> respondent herein and quash the same and direct the respondents 1 to 3 to cancel the patta granted in favour of the respondents 4 and 5 pertaining to the properties in S.No. Old Survey No.168/1, New Survey No.390/1 measuring an extent of 0.17.0 Hecter in Attipattu Village, Ponneri Taluk, Tiruvallur District.

For Petitioner : M/s.R.Poornima

For Respondents : Mr.V.Jeevagiritharan,  
Additional Government Pleader  
(for R1 to R3)  
Mr.R.Krishnaswamy (for R4 & R5)



## ORDER

This writ petition is filed to issue a Writ of Certiorarified Mandamus to call for the records pertaining to order made in Na.Ka.No.34509/2009/Aa3 dated 17.12.2013 on the file of the first respondent herein, confirming the order made in Na.Ka.10792 of 2002/Aa2 dated 9.10.2009 on the file of the second respondent, confirming the order made in Na.Ka.No.10389/08/A2 dated 11.11.2008 on the file of the third respondent herein and quash the same and direct the respondents 1 to 3 to cancel the patta granted in favour of the respondents 4 and 5 pertaining to the properties comprised in Old Survey No.168/1, New Survey No.390/1, measuring an extent of 0.17.0 Hectares situated at Attipattu Village, Ponneri Taluk, Tiruvallur District.

2. The petitioner's father-in-law purchased the property comprised in R.S.No.168/1, New R.S.No.390/1 ad-measuring an extent of 0.17.0 hectares, in the name of his wife viz., Nagammal, who died on 03.08.1975 leaving behind her husband as her only legal heir. The petitioner's wife and another one Rani Bai, were the foster daughters of the petitioner's father-in-law. He left a Will dated 01.10.1988 bequeathing the subject property in favour of the petitioner. He also executed a lease deed dated 01.04.1988 giving the lands on long lease in favour of the petitioner. However, the petitioner's father-in-law executed a registered Will dated 30.03.1977 bequeathing houses in favour of his foster daughter viz., the wife of the petitioner and another foster daughter viz., the said Rani Bai. Thereafter, the petitioner's wife and the said Rani Bai executed a Power of Attorney on 21.12.1998 empowering one Gopinath to deal with the lands and on the strength of the said Power of Attorney, the said Gopinath sold the property ad-measuring 5400 sq.ft in favour of the fourth respondent herein and another 5400 sq.ft in favour of the fifth respondent herein. The fourth and fifth respondents have purchased the said properties in the year 2002. However, the petitioner claimed the subject property based on the subsequent un-registered Will dated 01.10.1988. On the strength of the sale deeds, the fourth and fifth respondents were issued with patta. After coming to know of the same, the petitioner challenged the issuance of patta before the second respondent and the second respondent rejected the same, by order dated 09.10.2009. Therefore, the petitioner filed an appeal before the first respondent and the same was also dismissed by order dated 17.12.2013. Both orders are under challenge in the present Writ Petition.

3. The only ground raised by the petitioner is that, the last Will executed by the father-in-law would prevail and as



such, his wife had no title over the property and executed fraudulent sale deeds in favour of the fourth and fifth respondents. However, the petitioner does not possess the original un-registered Will, deed dated 01.10.1988 and he produced only a copy of the Will. That apart, by virtue of the registered Will deed dated 30.03.1977, the petitioner's wife executed the sale deeds in favour of the fourth and fifth respondents herein and on the strength of the sale deeds, they were rightly issued with patta. Therefore, the respondents 1 and 2 rightly rejected the claim of the petitioner and this Court finds no infirmity or illegality in the orders passed by them.

4. In the result, this Writ Petition is dismissed as devoid of merits. However, the petitioner is at liberty to approach the Civil Court for appropriate relief in the manner known to law. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-  
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1. The District Revenue Officer,  
Tiruvallur.
2. The Revenue Divisional Officer,  
Ponneri, Tiruvallur District.
3. The Tahsildar,  
Ponneri Taluk, Thiruvallur District.

+1cc to M/s.R.Poornima, Advocate SR.No.98

+1cc to Government Pleader SR.No.69913

W.P.No.18221 of 2014

PM(CO)  
GMY(12/01/2022)