



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2021

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.26436 of 2021

and

W.M.P No.27906 of 2021

Chinnakannu Ammal

... Petitioner

Vs

1. The District Collector,
Dharmapuri District,
Dharmapuri.

2. The Sub Collector,
Dharmapuri District,
Dharmapuri.

3. The District Revenue Officer,
Dharmapuri Taluk,
Dharmapuri District.

4. The Tahsildar,
Pennagaram, Dharmapuri District.

5. The Village Executive Officer,
A. Papparapatti, Dharmapuri.

6. The Chief Secretary and Commissioner
of Land Administration,
2nd Floor, Ezhilagam,
Chepauk, Chennai-600 005.

7. C.Thangavel

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the 3rd respondent pertaining to the proceedings in Na.Ka.10876//2018/Pa2, dated 20.11.2021 and quash the same.

For Petitioner : Mr.P.Valliyappan for
M/s.PV Law Associates

For Respondents : Mr.V.Jeevagiridharan,
Additional Government Pleader
(for R1 to R6)



ORDER

This writ petition is filed to issue a Writ of Certiorari, to call for the records of the third respondent pertaining to the proceedings in Na.Ka.10876//2018/Pa2, dated 20.11.2021 and quash the same.

2. The case of the petitioner is that the land comprised in Survey No.353 ad-measuring an extent of 0.83 acre, situated at Papparapatti Village, Palacode, Pennagaram Taluk, Dharmapuri District, originally belonged to one Krishna Iyer. The legal heirs of the said Krishna Iyer divided their family properties under registered partition deed dated 01.03.1970. In the said partition deed, the 'A' schedule property was allotted to the share of one P.R.Purushothama Rao. The petitioner purchased the said land by way of sale deed dated 05.09.1988 from the legal heirs of the said P.R.Purushothama Rao. While that being so, the seventh respondent who is having land comprised in S.No.354, compelled the petitioner to sell the subject land. When the petitioner refused to do so, the seventh respondent tried to grab the petitioner's property and as such, the petitioner filed a suit in O.S.No.37 of 2019 on the file of the Subordinate Court, Dharmapuri for declaration and injunction and it is pending. In the meanwhile, the seventh respondent filed an appeal before the third respondent to cancel the patta issued in favour of the petitioner in respect of the property comprised in S.No.353 of an extent of 0.33.50 hectares, situated at Papparapatti Village which is classified as "Mandhaveli Poramboke".

3. Admittedly, the petitioner filed the siad suit and it is pending on the file of the Subordinate Court, Dharmapuri. Though the Revenue Officials were not party to the suit initially, subsequently, implead petition was filed by the petitioner in I.A.No.243 of 2020 in O.S.No.37 of 2019 on the file of the Subordinate Court, Dharmapuri. That apart, the third respondent cancelled the patta for the reason that the subject land is classified as "Mandhaveli (Sarkar Poramboke)" and it is also recorded as "pathway". Though, the patta stood in the name of the petitioner's vendor, there was no proceedings to issue patta in favour of the petitioner's vendor. Therefore, the third respondent rightly cancelled the patta and as such, this Court finds no infirmity or illegality in the order passed by the third respondent. This Writ Petition is devoid of merits.

4. In the result, this Writ Petition is dismissed. However, if the petitioner succeeds in the said suit in



O.S.No.37 of 2019 on the file of the Subordinate Court, Dharmapuri, he can very well approach the fourth respondent for issuance of patta with regard to the subject property. Consequently, the connected Miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Dharmapuri District,
Dharmapuri.
2. The Sub Collector,
Dharmapuri District,
Dharmapuri.
3. The District Revenue Officer,
Dharmapuri Taluk,
Dharmapuri District.
4. The Tahsildar,
Pennagaram,
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5. The Village Executive Officer,
A. Papparapatti, Dharmapuri.
6. The Chief Secretary and Commissioner
of Land Administration,
2nd Floor, Ezhilagam,
Chepauk, Chennai-600 005.

+1cc to Mr.P.Valliyappan, Advocate SR.No.66708
+1cc to the Government Pleader SR.No.66639

W.P.No.26436 of 2021

RSV(CO)
GN(04/01/2022)