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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2021

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.30605 of 2017

and

W.M.P.No.33510 of 2017

N.Kathiravan

... Petitioner

Vs

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

2. The Revenue Divisional Officer,
Villupuram.

3. Dhanasekaran

... Respondents

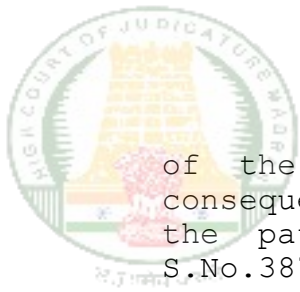
Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the orders in (1) Pro.Na.No.A2/1654/2012 dated 22.01.2013 of the second respondent and (2) Pro.No.B2/7167/2013 dated 07.09.2017 of the first respondent, to quash the same and to issue consequential directions to the respondents 1 and 2 to restore the patta in respect of 336 sq.meter of land in S.No.387/2 in Genganampalayam in the name of the petitioner.

For Petitioner : Mr.P.Ganesan
: for Mr.K.Govindaraj

For Respondents : Mr.V.Jeevagiridharan
Additional Government Pleader
(for R1 & R2)
: Mr.Ravichandran Sundaresan (for R3)

ORDER

This writ petition is filed to issue a Writ of Certiorarified Mandamus, to call for the records relating to the orders in (1) Pro.Na.No.A2/1654/2012 dated 22.01.2013 of the second respondent and (2) Pro.No.B2/7167/2013 dated 07.09.2017

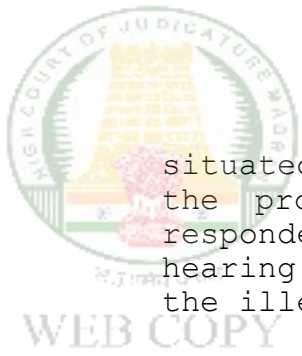


of the first respondent, to quash the same and to issue consequential directions to the respondents 1 and 2 to restore the patta in respect of 336 sq.mts of land comprised in S.No.387/2 in Gangarampalayam in the name of the petitioner.

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2. The case of the petitioner is that the land ad-measuring an extent of 3614 sq.ft (336 sq.mts) comprised in R.S.No.387/2 and another piece of vacant land comprised in S.No.387/1 ad-measuring an extent of 1232 sq.ft situated at Gangarampalayam Village, Villupuram Taluk and District, which is classified as "Natham Poramboke" were in possession and enjoyment of his father. By virtue of lawful possession and enjoyment, the Revenue Authorities granted patta in favour of his father in Patta No.263. Thereafter, his father died and his mother executed a settlement deed in favour of the petitioner herein by the settlement deed dated 23.03.2011, registered vide Document No.805 of 2011. On the strength of the said settlement deed, the petitioner was issued patta in Patta No.630. However, the third respondent attempted to interfere with his peaceful possession and enjoyment of the said property and as such, the petitioner filed a suit in O.S.No.310 of 2011 on the file of the District Munsif Court, Villupuram for permanent injunction and it is pending for adjudication. In the meanwhile, the third respondent filed an application to cancel the patta issued in favour of the petitioner and his father, in respect of the subject property before the second respondent. The second respondent allowed the request made by the third respondent. Aggrieved by the same, the petitioner filed a revision before the first respondent and the same was also confirmed the order passed by the second respondent.

3. On a perusal of the counter affidavit filed by the third respondent, it reveals that third respondent purchased the subject properties in the year 1979 and by the registered sale deeds and the third respondent is in possession and enjoyment of the same. After surveying the said land, the third respondent was granted patta in Patta No.240. The petitioner's father obtained patta in respect of the land situated at Ligareddipalayam Village Hamlet of Kengaram Palayam Village for the property comprised in R.S.No387/1 to an extent of 2 cents. The said property is located adjacent to the subject property. However, the petitioner obtained patta without any semblance of right or title over the property obtained patta in Patta No.240 in respect of the property comprised in S.No.387/2. The entry for false transfer the third respondent's property clubbing with the property comprised in S.No.387/1 was made under RTR No.471/2007 by transposing the third respondent's property from Patta Nos.240 to 263 in favour of the petitioner's father. The proceedings in RTR No.471/2007, pertains to the property



situated at Valudareddy Village and it is no way connected with the property situated at Kengarapalayam Village. The second respondent hold the enquiry by affording opportunity of personal hearing to the petitioner and the third respondent and set aside the illegal entries.

4. Mere pendency of the suit filed by the petitioner, that too, for bare injunction is not an impediment to cancel the patta. That apart, no interim order has been granted to restrain the Revenue Officials from mutation of Revenue Records. Therefore, this Court finds no infirmity or illegality in the order passed by the respondents 1 and 2 and the Writ Petition is devoid of merits.

5. In the result, this Writ Petition is dismissed. However, if the subject property declared by the Civil Court in favour of the petitioner, the petitioner is at liberty to approach the Revenue Officials for issuance of patta. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar (CS-II)

//True copy//

Sub Assistant Registrar

kv

To

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

2. The Revenue Divisional Officer,
Villupuram.

+1cc to Mr.Kaviveerappan, Advocate SR.No.67727

+3ccs to Mr.S.Ravichandan, Advocate SR.No.67381

+1cc to Government Pleader SR.No.68293

W.P.No.30605 of 2017

SSI (CO)
GMY (05/01/2022)