



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.26636 OF 2017

AND

W.M.P.NO.28365 OF 2017

S.Mohan

... Petitioner

-Vs-

1. The District Collector,
Tiruppur District.
2. The District Revenue Officer,
Tiruppur, Tiruppur District.
3. The Revenue Divisional Officer,
Tiruppur, Tiruppur District.
4. The Tahsildar,
Avinashi Taluk,
Tiruppur District.

5. M.Kankaraj

... Respondents

Prayer :-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to Moo.Mu.2704/2016/Aa3 dated 21.10.2016 issued by the fourth respondent herein and quash the same as being illegal, arbitrary, unconstitutional and consequently direct the respondents 2 to 4 to transfer the patta to the petitioner in Patta No.1790 for landed property to the extent of 1144 sq.ft in S.No.333/1 at EVR Street, Ranganathapuram, Avinashi, Tiruppur District.

For Petitioner : Mr.T.Sundaravadanam
For R1 to R4 : Mr.Richardson Wilson
Government Advocate.
For R5 : Mr.S.Vinoth Kumar



ORDER

This Writ Petition has been filed to issue a writ of certiorarified mandamus, calling for the records relating to Moo.Mu.2704/2016/Aa3, dated 21.10.2016 issued by the fourth respondent herein and quash the same and consequently direct the respondents 2 to 4 to transfer the patta to the petitioner in Patta No.1790, the land comprised in Survey No. 333/1 ad-measuring 1144 sq.ft, situated at E.V.R. Street, Ranganathapuram, Avinashi, Tiruppur District,

2. Heard Mr.T.Sundaravadanam, learned counsel appearing for the petitioner, Mr.Richardson Wilson, learned Government Advocate appearing for the respondents 1 to 4 and Mr.S.Vinoth Kumar, learned counsel appearing for the fifth respondent.

3. The case of the petitioner is that the land, comprised in Survey No. 333/1 ad-measuring 1144 sq.ft. situated at E.V.R. Street, Ranganathapuram, Avinashi, Tiruppur District, was originally owned by one Avinashiappa Achari and his sons viz., A.Marudachalam, A. Velu and A.Dhandapani. The said property was mortgaged and culminated. Hence, the suit for recovery of money was filed in O.S.No.303 of 1998, on the file of the Sub Court, Tiruppur. After decreeing the said suit, the petitioner filed an Execution Petition in E.P.No.166 of 1993 for auction of property and in the Court auction dated 20.07.1994, the petitioner purchased the said property and a sale certificate has been executed in his favour and was issued sale certificate on 24.10.1994 by the Sub Court, Tiruppur. However, the fifth respondent by squatting over the property and objected for transfer of patta. Therefore, the petitioner filed a petition before the fourth respondent for issuance of transfer of patta.

4. The fourth respondent conducted enquiry after issuance of notice to the fifth respondent and passed an order dated 21.10.2016 impugned in this writ petition, thereby rejecting the claim of the petitioner for the reason that the petitioner had identified some other property, which is comprised in survey No. 334/6, New Natham Ka.Sa.No.610/1, 609/31. He further stated that while inspecting the property, as per the sale certificate, the Survey No.333/1 is equivalent to the New Natham survey field No.528/18. Whereas, the land shown by the petitioner comprised in survey No.334/6, correlated with new Natham survey No.609/31, 610/1. Therefore, the request made by the petitioner was rejected.

5. A perusal of the sale certificate, issued in favour of the petitioner, reveals that the land comprised in survey No.333/1 with the boundaries is ad-measuring 1144 sq.ft. Therefore, the petitioner never asked any patta for the property



comprised in survey No.334/6. The fourth respondent is duty bound to issue patta as per the sale certificate issued in favour of the petitioner.

6. In view of the above, the impugned order dated 21.10.2016 in Moo.Mu.No.2704/2016/Aa3 passed by the fourth respondent is hereby set aside. It is made clear that the fourth respondent is directed to issue patta in favour of the petitioner, as per the sale certificate issued by the Sub Court, Tiruppur, in respect of the land comprised in Survey No.333/1 situated at E.V.R. Street, Ranganathapuram, Avinashi, Tiruppur District, as per the boundaries mentioned in the sale certificate, within a period of four weeks from the date of receipt of a copy of this order.

7. In the result, this writ petition stands allowed. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Lpp/mn

To

1. The District Collector,
Tiruppur District.
2. The District Revenue Officer,
Tiruppur, Tiruppur District.
3. The Revenue Divisional Officer,
Tiruppur, Tiruppur District.
4. The Tahsildar,
Avinashi Taluk, Tiruppur District.

+1cc to Mr.S.Vinoth Kumar, Advocate, S.R.No.49182
+1cc to Mr.T.Sundaravadanam, Advocate, S.R.No.49499

W.P.No.26636 of 2017 and
W.M.P.No.28365 of 2017

KK(CO)
PM/28/10/2021