



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06..07..2021

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.33858 of 2019

K.Balasubramanian

... Petitioner

-Versus-

1.The Union of India,
Rep. by its Chief Secretary of
Union Territory of Puducherry,
Chief Secretariat, Beach Road,
Puducherry 605 013.

2.The Secretary (Revenue and
Relief-cum-Rehabilitation),
Chief Secretariat, Beach Road,
Puducherry 605 001.

3.The District Collector,
Vazhudhavur Road,
Pettaiyanchathiram,
Puducherry 605 009.

4.The Tahsildar,
Revenue Complex,
South Car Street,
Villiyannur,
Puducherry 605 110.

5.Ranganathan

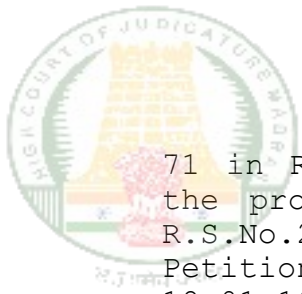
6.Thangarasu @ Ayyanar

7.Arumugam

[Respondents 5 to 7 impleaded as per order of
this court dated 20.01.2020 made in
W.M.P.No.36865 of 2019 in W.P.No.33858 of 2019]

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents 2 to 4 to cancel the Pattas vide Patta No. 1075 in R.S.No. 269/1A patta No. 1038 in R.S.No. 269/1B and Patta No.



71 in R.S No. 269/2 and to restore and retain Patta No.71 for the property in Cadastre No. 804/2/2/10 Pt R.S.No. 269/1 and R.S.No.269/2 measuring 11 Kuzhies and 6 Veesams of land in the Petitioner's name i.e., K.Balasubramanian as existed on 18.01.1984 and consequentially giving directions to the respondents 2 to 4 to file the compliance report for the same within the time frame as found relevant by this Court.

For Petitioner : Mr.B.Vijaya Barathan
For Respondent(s) : Mrs.V.Usha, AGP (Puducherry)
for RR1 to 4
Mr.Kishore Kumar for RR5 to 7
for Prem Kumar

ORDER

[This matter has been heard through video conference]

This writ petition has been filed seeking a direction to the respondents 2 to 4 to cancel the pattas vide patta No.1075 in respect of the land comprised in R.S.No. 269 /1A; patta No.1038 in respect of the land comprised in R.S.No. 269/1B; and patta No. 71 in respect of the land comprised in R.S No. 269/2 and to restore and retain patta No.71 in respect of the property in Cadastre No. 804/2/2/10 Pt R.S.No. 269/1 and R.S.No.269/2 measuring 11 Kuzhies and 6 Veesams of land in the Petitioner's name i.e., K.Balasubramanian as existed on 18.01.1984 and for a consequential directions to the respondents 2 to 4 to submit a compliance report of the same.

2. The case of the petitioner is that he is the absolute owner of the property measuring an extent of 11 kuzhies and 6 veesams of land in Cadastre No.804/2/2/10 Pt R.S.No.269/1 and 269/2 and patta No.71 situated at Kalitheerthalkuppam village, Mannadipet Commune, Puducherry, having inherited the same through partition among his family members after the demise of his father. Earlier patta was issued in the name of the petitioner. Subsequently, without his knowledge, the respondents 5 to 7 in collusion with the 4th respondent had managed to obtain a patta for the said property in their name. Immediately, on coming to know the same, the petitioner made a complaint to the higher officials of the Revenue Department and also to the District Collector seeking to cancel the patta issued in the name of the respondents 5 to 7 and to restore the patta in the name of the petitioner. A police complaint was also given by the petitioner in this regard. The petitioner has made a complaint to the Chief Vigilance Officer against the Tahsildar. But, so far no action has been taken on his representations. In the mean time, the petitioner has approached the District Collector, Puducherry, to redress his grievance and



the District Collector, in turn, by his proceedings dated 25.03.2019, directed the Sub Collector (South), Villianur, to consider the representation of the petitioner seeking cancellation of patta given in the name of the respondents 5 to 7 and to pass appropriate orders thereof. The grievance of the petitioner is that despite a direction issued by the District Collector, no order has been passed by the Sub Collector, Villianur.

3. Heard both sides and also perused the recored carefully.

4. The learned counsel appearing for the petitioner vehemently submitted that the petitioner is the absolute owner of the property and he has been in possession and enjoyment of the same ever since the date of partition. While so, without the knowledge of the petitioner, the respondents 5 to 7 in collusion with the 4th respondent obtained patta for the property in their name. When the petitioner had approached the authorities seeking particulars, he was informed that the records have been misplaced and nothing available in the office of the Tahsildar. In the above circumstances, suspecting that the 4th respondent might have committed irregularity, he made several complaints against the Tahsildar before the higher officials, but, no action has been taken against the Tahsildar. That apart, the application of the petitioner seeking cancellation of patta has also not been considered till date by the Sub Collector, Villianur. Therefore, the Sub Collector may be directed to consider the application of the petitioner for cancellation of patta and pass appropriate orders.

5. Per contra, the learned counsel appearing for the respondents 5 to 7 submitted that the respondents 5 to 7 are the actual owner of the property in dispute, however, patta was wrongly issued in the name of the petitioner. But, the Tahsildar having considered the request of the respondents 5 to 7 and all relevant documents, transferred the patta in the name of the respondents 5 to 7 and, if at all any enquiry is conducted, the respondents 5 to 7 are ready to face the same and submit all the records available with them to enable the Sub Collector to take appropriate decision on matter.

6. The learned Additional Government Pleader appearing for the respondents 1 to 4, on instructions, submitted that in view of the factual position, the Sub Collector, Villianur may be directed to consider the application of the petitioner seeking cancellation and restoration of patta as directed by the District Collector and pass suitable orders on merits and in accordance with law.

7. Considering the facts and circumstances of the case, more



particulars, as the application of the petitioner seeking cancellation of patta has been pending with the Sub Collector (South), Villianur since 2019, the Sub Collector (South), Villianur, is directed to consider the application of the petitioner seeking cancellation of patta standing in the name of the respondents 5 to 7 and restoration of patta in his name, in terms of the directions issued by the District Collector, and pass appropriate orders on merits and in accordance with law by looking into relevant documents including the order passed by the Tahsildar transferring patta in the name of the respondents 5 to 7 and also the allegations made against the Tahsildar by the petitioner and after giving opportunity of hearing to the petitioner as well as to the respondents 5 to 7. This writ petition is disposed of accordingly with the above directions. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

kmk

To

- 1.The Chief Secretary of Union Territory of Puducherry,
Chief Secretariat, Beach Road,
Puducherry 605 013.
- 2.The Secretary (Revenue and Relief-cum-Rehabilitation),
Chief Secretariat,
Beach Road, Puducherry 605 001.
- 3.The District Collector,
Vazhudhavur Road,
Pettaiyanchathiram,
Puducherry 605 009.
- 4.The Tahsildar, Revenue Complex,
South Car Street,
Villiyannur, Puducherry 605 110.
- 5.The Sub Collector (South), Villianur.

+1cc to Mr.K.Premkumar, Advocate, S.R.No. 31578

+1cc to the Government Pleader Puducherry, S.R.No. 32098

Writ Petition No.33858 of 2019

PCH(CO)
GN(05/08/2021)