



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.13557 of 2009

Munusamy

...Petitioner

Vs.

1. The Tahsildar
Taluk Office,
Cheyyar Taluk,
Kanchipuram District.

2. The Revenue Divisional Officer,
Chengalput.

3. The District Collector,
Kanchipuram District,
Kanchipuram.

4. Muthusamy Mudhaliar
(R4 impleaded vide order dated 31.03.2010
by this Court in MP.No.1 of 2009 in
W.P.No.13557/2009)

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents 1 to 3 herein to take appropriate action to cancel the patta bearing No.137 standing in the name of Muthusami Mudaliar in respect of punja lands comprised in S.No.1/2A1 and S.No.1/2A2 at Uzhuthamangalam village Cheyyur Taluk Kancheepuram District and restore the patta bearing No.299 in the name of the petitioner as originally stood in respect of the punja lands comprised in S.No.1/2A1 and S.No.1/2A2 along with his other lands at Uzhuthamangalam village Cheyyur Taluk Kancheepuram District.

For Petitioners : Mr.D.Sophia

For Respondents : Mr.G.Nanmaran
Special Government Pleader



O R D E R

This Writ Petition has been filed seeking a direction to the respondents 1 to 3 herein to take appropriate action to cancel the patta bearing No.137 standing in the name of Muthusami Mudaliar in respect of punja lands comprised in S.No.1/2A1 and S.No.1/2A2 at Uzhuthamangalam village Cheyyur Taluk Kancheepuram District and restore the patta bearing No.299 in the name of the petitioner as originally stood in respect of the punja lands comprised in S.No.1/2A1 and S.No.1/2A2 along with his other lands at Uzhuthamangalam village Cheyyur Taluk Kancheepuram District.

2. The case of the petitioners is that the petitioner is the absolute owner of certain agricultural punja (dry) lands comprised in S.No.1/1B, 1/1C, 1/1D, 1/1E, 1/1F, 1/1G, 1/1H, 1.1 I, 1/1J, 1/1K, 1/2A1 and 1/2A2 at Uzhudhamangalam Village, cheyyur Taluk, Kanchipuram District and the petitioner purchased the afore said properties from one Sugumar @ Sugumaran by way of registered sale deed dated 07.12.2005 vide document No.3320 of 2005. The petitioner's vendor had purchased the afore said properties from various persons. In respect of the land in S.Nos.1/2A1 and 1/2A2 were purchased by the petitioner's vendor from one Vedagiri Naicker and Narayana Naicker respectively by registered sale deed dated 25.11.1998 registered as document No.1910 & 1909 of 1998 respectively. After purchasing the above said property, the petitioner's vendor was granted patta. The petitioner purchased the above said land during the year 2005 from one Sugumar and the patta was also granted in favour of the petitioner. During the year 2006, one Deenadayalan trespassed into the petitioner's land and started giving troubles to him. Therefore, the petitioner filed a suit in O.S.No.215 of 2006 against the said Deenadayalan before the District Munsif, Madhurantakam, During pendency of the said proceedings, the said Deenadayalan filed counter alleging that the patta bearing No.299 granted to the petitioner has been cancelled by the Assistant Commissioner in his order dated 10.07.2006 and that the Government granted patta to one Muthusamy Mudhaliar, who is the real owner. Therefore, the petitioner sent a legal notice to the respondents for the cancellation of patta. However, there is no response from the respondents so far. Hence, the petitioner has filed the present writ petition with the afore said prayer.

3.The learned counsel for the petitioner submitted that this Court may issue a direction to the respondents to consider the legal notice sent by the petitioner and cancel the patta, which was granted in favour of the 4th respondent within the time stipulated by this Court.

4.The learned Special Government Pleader appearing on



behalf of the Government submitted that during pendency of this petition, the 4th respondent passed away on 10.09.2010 and the same was informed to the Court. Till date, the petitioner has not taken any steps to bring the legal heirs of the 4th respondent. Hence, this writ petition is not maintainable and the same is liable to be dismissed.

5. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents 1 to 3 and perused the materials available on record.

6. The facts of the case are not in dispute. Admittedly, the petitioner purchased the subject properties from one Sugumar from the year 2005. During the year 2006, admittedly the petitioner has filed a suit for permanent injunction against one Deenadayalan. In the said suit, the said Deenadayalan filed counter affidavit stating that the respondents have been granted patta in favour of one Muthusamy Mudaliyar, who is the original owner of the afore said subject properties. In view of the same, the petitioner sent a legal notice to the respondents.

7. It is the grievance of the petitioner that he is the owner of the afore said properties and without giving any intimation, the respondents have granted patta to the 4th respondent and the same has to be cancelled.

8. If the petitioner has any grievance with regard to the subject properties, he has to file appropriate application before the concerned authorities. Without doing so, the petitioner sent a legal notice to the respondents, which is not sustainable one. During pendency of this petition, the 4th respondent died in the year 2010. Till date, the petitioner has not taken any steps to implead the legal heirs of the 4th respondent.

9. In view of the above discussion, the prayer sought for by the petitioner cannot be granted by this Court and the same is liable to be dismissed.

10. In the result, the Writ Petition is dismissed. However, this Court grants liberty to the petitioner to work out his remedy in the manner known to law. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Tahsildar
Taluk Office,
Cheyyar Taluk,
Kanchipuram District.

2. The Revenue Divisional Officer,
Chengalput.

3. The District Collector,
Kanchipuram District,
Kanchipuram.

+1cc to M/s.G.Nalini, Advocate, S.R.No.12525

+1cc to the Government Pleader, S.R.No.13081

W.P.No.13557 of 2009

SSN(CO)
RGA(04/04/2022)