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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.17397 of 2008

M.K.Subramanyam

...Petitioner

Vs.

- 1.The Deputy Tahsildar,  
Arakkonam,  
Vellore District,
- 2.The District Registrar,  
District Registrar Office,  
Gandhi Road,  
Arakkonam, Vellore District.

- 3.Ravi
- 4.Lakshmi

...Respondents

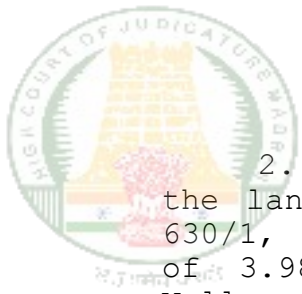
Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the 1st respondent in his proceedings No.10 Division, dated 23.01.2008 relating to patta No.421 of Mudur Village, Arakkonam Taluk and quash the same.

For Petitioner : Mr.G.Jeremiah

For Respondents : Mr.G.Nanmaran  
Special Govt. Pleader for R1 and R2

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records of the 1st respondent in his proceedings No.10 Division, dated 23.01.2008 relating to patta No.421 of Mudur Village, Arakkonam Taluk and quash the same



2. The case of the petitioner is that he is the owner of the land comprised in S.Nos.621/1, 622/1, 622/2, 623/1, 623/2, 630/1, 630/2, 630/4, 630/5, 630/6, 630/7 measuring to an extent of 3.98 acres situated in Mudur Village, Arakkonam Taluk, Vellore District, which were purchased vide registered Sale Deed dated 07.01.1991 and Patta No.421 was issued in favour of the petitioner. The petitioner was employed in the Indian Postal Service, due to which, he was not able to cultivate his lands. Therefore, he executed a general Power of Attorney in favour of one B.Subramani, S/o.Bojji Reddy of Mudur Village. The petitioner got superannuated in the year 2004. Thereafter, the petitioner cancelled the general Power of Attorney executed in favour of the said late B.Subramani vide Document No.42 of 2008 dated 18.01.2008 and the same was communicated to him vide a legal notice dated 08.04.2008. The said late B.Subramani died on 22.06.2008. While the matter stood so, the younger brother of the power agent/ late B.Subramani made an application to the 1st respondent for transfer of Patta No.421 which stood in the name of the petitioner. In such circumstances, the 1st respondent without conducting an enquiry cancelled the said patta and issued a new patta in favour of the 3rd respondent. The 3rd respondent executed a Sale Deed in favour of the 4th respondent/ wife of 3rd respondent, dated 17.04.2008 which was registered as Document No.5306 of 2008. Challenging the same, the present writ petition has been filed. Hence, the present writ petition.

3. Mr.G.Jeremiah, learned counsel for the petitioner would submit that originally the patta stood in the name of the petitioner. However, without conducting an enquiry, the said patta was cancelled and new patta was issued in favour of the 3rd respondent which is not sustainable, when the cancellation of the general power of attorney was communicated to him vide a legal notice dated 08.04.2008.

4. Heard both sides.

5. It is seen that the issue is pending for more than a decade. When the Patta No.421 stood in the name of the petitioner, the 1st respondent, without conducting an enquiry cancelled the same and issued patta in favour of the third respondent.

6. In view of the above fact, this Court permits the petitioner to file a petition before the 1st respondent for restoration of patta within a period of two weeks from the date of receipt of a copy of this order. On receipt of such petition, the 1st respondent shall conduct an enquiry after providing an opportunity to the 3rd respondent and pass appropriate orders on merits and in accordance with law, within a period of six weeks thereafter.



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7. Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

gba

To

1.The Deputy Tahsildar,  
Arakkonam,  
Vellore District,

2.The District Registrar,  
District Registrar Office,  
Gandhi Road,  
Arakkonam, Vellore District.

+1cc to Government Pleader SR. No.9546

W.P.No.17397 of 2008

PMK (CO)  
PR (09/03/2022)