



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.2778 of 2022 and
W.M.P.Nos.2931, 2932 & 2933 of 2022

1. M.Udayakumar
2. U.Renuka

...Petitioners

Vs.

1. The Commissioner,
Land Administration,
Ezhilagam,
Chennai - 600 005.
2. The District Collector,
Dharmapuri District.
3. The District Revenue Officer,
Dharmapuri District.
4. The Sub-Collector/Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.
5. The Tahsildar,
Palacode Taluk,
Dharmapuri District.
6. The Village Administrative Officer,
Samanoor Village,
Palacode Taluk,
Dharmapuri District.

...Respondents

PRAYER: The Writ Petition filed under Section 226 of Constitution of India, pleased to issue a Writ of Certiorarified Mandamus to call for the records related to the impugned website order passed by the 5th respondent herein in his proceedings reflected the application I.D.No.2021/0103/05/149361 dated 13.09.2021 and the Consequential impugned order passed by the third respondent herein in his proceedings in Na.Ka.15881/2019/u2 dated 25.01.2022 and to quash the same and consequently direct the respondents 4 and 5 herein to change the Patta in the name of petitioners herein with regard to petitioners' property situated at Survey No.313/2, Samanoor Village, Palacode Taluk, Dharmapuri District, to the extent of Hectre 2.38.50 in Acre



For Petitioners : Mr.J.Prakasam

For Respondents : Mr.T.Chezhiyan
Additional Government Pleader

WEB COPY

O R D E R

Writ Petition has been filed to call for the records related to the impugned website order passed by the 5th respondent herein in his proceedings reflected the application I.D.No.2021/0103/05/149361 dated 13.09.2021 and the Consequential impugned order passed by the third respondent herein in his proceedings in Na.Ka.15881/2019/u2 dated 25.01.2022 and to quash the same and consequently direct the respondents 4 and 5 herein to change the Patta in the name of petitioners herein with regard to petitioners' property situated at Survey No.313/2, Samanoor Village, Palacode Taluk, Dharmapuri District, to the extent of Hectre 2.38.50 in Acre 5.89 Cents.

2. Since no adverse orders are passed against the respondents, notice to them is not necessary and this Writ Petition is disposed of based on the available materials.

3. The case of the petitioners is that originally, the disputed property is owned by one Samannan and thereafter the said property was passed through several persons and the patta also got transferred in the name of several persons. Finally, the petitioners purchased the property jointly in the name of the petitioners from one Mr.Asaitambi on 07.05.2021. Thereafter, the petitioners presented an online application dated 30.08.2021, before the fifth respondent/Tahsildar for transfer of Patta. However, the fifth respondent/The Tahsildar rejected the said application, against which the petitioners filed appeal before the fourth respondent for transfer of patta and the said appeal is pending. Meanwhile, the third respondent, without considering the appeal pending before the authorities concerned, has passed the order in the name of the petitioners' seller, stating that the said official is going to change the revenue records in the name of Hindu Religious and Endowment with regard to the subject matter of property in his proceedings dated 08.11.2021 and furtherance to the same, has passed the consequential impugned order illegally without any jurisdiction in his proceedings dated 25.01.2022, calling upon the petitioner for enquiry, by stating that the subject matter of property is belonging to Hindu Religious and Endowment Department. Aggrieved by the said proceedings, the present petition is filed.

4. The learned counsel appearing for the petitioner submitted that even before the year 1975, the patta was stand in the name of individuals, and not in the name of Hindu Religious Endowments Department and any temples. The 3rd respondent without any valid reason and for the best reasons



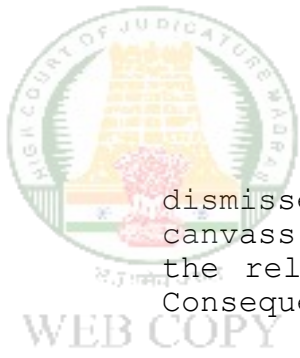
known to him, refused to change patta in the name of the petitioner. Though the petitioner has filed appeal before the 4th respondent for transfer of patta and the said appeal is pending, in the meanwhile, the 3rd respondent has issued the impugned show cause notice, stating that prior to UDR scheme, the said land is classified as 'Devadayam land' and it was wrongly entered in the name of the individuals. Further, the learned counsel appearing for the petitioners submitted that since the property was alienated by several persons, and the issue regarding issuance of patta is also pending before the competent authority, he prays for allowing of the petition.

5. The learned Additional Government Pleader appearing for the official respondents submitted that the impugned order is only a show cause notice, calling upon the petitioner to appear before the 2nd respondent on 02.02.2022 @ 3.15 pm to produce all the relevant original documents with regard to the property in dispute, to prove his title. If at all the petitioner is having genuine title over the property, he can produce all such relevant materials before the 2nd respondent and obtain appropriate orders. However, the petitioner without appearing before the 2nd respondent, apprehending by the impugned show cause notice, straight away filed the present petition and therefore, it is not sustainable and liable to be quashed.

6. This Court has carefully considered the rival submissions and also perused the materials placed before it.

7. Admittedly, the petitioner claims that he purchased the property from his vendor namely Asaithambi on 07.05.2021 and, the patta was stand in the name of the petitioner's vendor. Subsequent to the purchase, he made application before the 5th respondent for change of patta and the 5th respondent rejected the petitioner's application and thereafter, the petitioner has filed an appeal before the 4th respondent and it is pending. In the meanwhile, the 3rd respondent has issued the impugned show cause notice, calling upon the petitioner for enquiry, in order to decide whether the land is temple land or private land. It appears that no result has been arrived till date.

8. This Court is of the opinion that the impugned order is only a show cause notice, calling upon the petitioner to appear before the 2nd respondent on 02.02.2022 @ 3.15 pm to produce all the relevant original documents with regard to the property in dispute, to prove his title. If at all the petitioner is having genuine title over the property, he shall produce all such relevant materials before the 2nd respondent and obtain appropriate orders. However, the petitioner without appearing before the 2nd respondent, apprehending by the impugned show cause notice, straight away filling the present petition at the threshold, is not sustainable. Hence, the writ petition is liable to be quashed.



9. For the reasons aforesaid, this Writ Petition is dismissed and a liberty is granted to the petitioner to canvass all the points before the 3rd respondent by producing the relevant documents, on his date of appearance. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

sk

To

- 1.The Commissioner,
Land Administration,
Ezhilagam,
Chennai - 600 005.
- 2.The District Collector,
Dharmapuri District.
- 3.The District Revenue Officer,
Dharmapuri District.
- 4.The Sub-Collector/Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.
- 5.The Tahsildar,
Palacode Taluk,
Dharmapuri District.
- 6.The Village Administrative Officer,
Samanoor Village,
Palacode Taluk,
Dharmapuri District.

+1cc to Mr.J.Prakasam, Advocate SR. No. 10333

+1cc to Government Pleader SR. No.10818

W.P.No.2778 of 2022 and
W.M.P.Nos.2931, 2932 & 2933 of 2022

JP (CO)

PR (21/03/2022)