



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2022

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.38237 OF 2004

C.Perumal

... Petitioner

Vs

1. The Special Commissioner
and commissioner of Land Administration,
Chepauk, Chennai-5.
2. The District Collector,
Namakkal District.
3. The District Revenue Office,
Tiruchengodu Taluk,
Namakkal District.
4. The Revenue Divisional Officer,
Tiruchengodu Taluk,
Namakkal District.
5. The Tahsildar,
Tiruchengodu Taluk,
Namakkal District.
6. Veeramani
7. Kaliappan
8. Sengodan
9. Muniappan
10. Devannasamy

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records in RO.K.4/RP.35/2004 (4008/04) dated 17.11.2004 passed by the 1st respondent and quash the same



as illegal, improper, unreasonable, arbitrary and against the law and natural justice and thereby direct the 4th respondent to cancel the patta granted in favour of the respondents 6 to 10 and grant patta in favour of the petitioner for the above properties.

For Petitioner ... Mr.E.M.K.Yashwant Rao

For Respondents ... Mr.T.Chezhiyan,
Additional Government Pleader
for R1 to R5.

Mr.C.Kulanthaivel for RR 6 & 7

Mr.N.Manokaran for RR 8 & 9

O R D E R

The present petition has been filed seeking the relief of quashment of the impugned order dated 17.11.2004 passed by the 1st respondent and seeking issuance of the patta in favour of the petitioner.

2. It is the case of the petitioner that despite the representation made by the petitioner before the 5th respondent requesting not to transfer patta in favour of the 3rd parties, the 5th respondent had transferred patta in favour of the respondents 5 to 10. Aggrieved by the same, the petitioner sent a representation to the 2nd respondent requesting to cancel the patta if any granted, pursuant to which, the 3rd respondent was directed to conduct an enquiry and submit a final report. However, without conducting proper enquiry, the 3rd respondent had passed an impugned order dated 07.05.2003. Thereafter, the petitioner filed a Writ Petition before this Court in W.P.No.27987 of 2003 seeking the relief of quashment of the said impugned order. However, the petitioner was directed to approach, the 1st respondent by way of filing Revision Petition. Without going into the merits of the revision, the 1st respondent has passed the present impugned order dated 17.11.2004. Challenging the same, the present petition has been filed before this Court.

3. Learned Counsel for the petitioner submits that the petitioner is the absolute owner of the subject property and he has purchased the said property by way of an unregistered sale deed. Though, the petitioner had produced all the documents



such as the tax receipt, chitta, adangal and property tax receipt, however, without verifying the same and without going into the merits of the case, the 1st respondent had transferred patta in favour of the private respondents which is not sustainable. Hence, the same is liable to be quashed by allowing this Writ Petition.

4. Learned Additional Government Pleader appearing for the respondents 1 to 5, submits that the petitioner claims title over the subject property based on the unregistered sale deed. However, merely based on the unregistered sale deed, patta cannot be granted in favour of the petitioner, and such claim of the petitioner is wholly impermissible. Further, the impugned order has been passed after appreciating all the materials available on record and no interference of this Court is required and the present petition is liable to be dismissed.

5. Heard the learned counsel on the either side and perused the materials available on record.

6. A careful perusal of the materials available on record reveals that though the petitioner claims right over the subject property, but, it is based on an unregistered document. There is no adequate material to substantiate his claim to establish title. Such being the case, the petitioner claiming grant of patta in his favour in respect of the said property is wholly impermissible. In the absence of any material, this Court is not inclined to interfere with the impugned order. Hence, the present petition is devoid of merits and the relief sought for in this Writ Petition cannot be acceded to and this Writ Petition deserves to be dismissed.

7. For the reasons aforesaid, this Writ Petition is devoid of merits and the same is accordingly dismissed. However, liberty is granted to the petitioner to work out his remedy in the manner known to law before the competent civil forum. No Costs.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

NHS



To

1. The Special Commissioner
and commissioner of Land Administration,
Chepauk, Chennai-5.

2. The District Collector,
Namakkal District.

3. The District Revenue Office,
Tiruchengodu Taluk,
Namakkal District.

4. The Revenue Divisional Officer,
Tiruchengodu Taluk,
Namakkal District.

5. The Tahsildar,
Tiruchengodu Taluk,
Namakkal District.

+1cc to M/s.N.Manokaran, Advocate, S.R.No.10039

+1cc to M/s.C.Kulanthaivel, Advocate, S.R.No.10551

+1cc to the Government Pleader, S.R.No.10821

W.P.No.38237 of 2004

AJS (CO)
RLP (02/05/2022)