



WEB COPY



W.P.No.1539 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2022

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.1539 of 2016

S.Mekala

. . . Petitioner

Vs.

1. The Revenue Divisional Officer,
Namakkal.
 2. The Thasildar,
Kolli Hills Taluk,
Semmedu, Kolli Hills, Namakkal District.
 3. The Sub-Registrar,
Senthamangalam,
Senthamangalam Taluk, Namakkal District.
 4. Valanjia Palanisamy
 5. Sinuppa Devaraj
 6. The District Registrar,
Namakkal, Namakkal District.
- . . . Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for records relating to the issue of impugned order, namely, Patta bearing no.1032 dated 21.04.2015 issued by te 2nd respondent in respect of the lands situated in Survey no.247/1B (re-survey no.867/1) of Vazhavanthi Nadu Vilage, Kolli Hills Taluk, Namakkal District and quash the same and consequently to direct the 6th respondent to consider the representation of the petitioner sent to 6th respondent on 08.12.2915 by RPAD seeking to cancel the sale deed registered as Doc.No.1308/2015 on 06.05.2015.

For Petitioner : M/s. N.Subramanian

For Respondents : Mr.A.Anandan,
Government Advocate for R1 to R3.
: M/s.N.Manokaran for R4 & R5.

ORDER

The present petition has been filed seeking to quash the impugned Patta dated 21.04.2015 which was issued by the 2nd Respondent in respect of the lands in Survey No.247/1B (re-survey no.867/1) of Vazhavanthi Nadu Village, Kolli Hill Taluk, Namakkal District and direct the 6th Respondent to consider the petitioner's representation dated 08.12.2015 seeking to cancel the sale deed dated 06.05.2015.



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2. It is the case of the petitioner that his father namely K.Chinnsamy had purchased the above said lands from the 5th Respondent and his family, vide registered sale deed dated 29.11.1967 and all the revenue records in respect of the above said property were mutated in favour of said Chinnasamy. After the demise of the petitioner's father, the subject lands are being cultivated by his legal heirs including the petitioner. While being so, the petitioner and his family members are prevented by the 4th Respondent from entering into the above said lands, claiming that the 4th Respondent had purchased the said lands from the 5th Respondent. On enquiry, it was revealed that the 5th respondent having obtained a false Patta in his favour from the 2nd Respondent, had executed a sale deed dated 06.05.2015 in favour of the 4th Respondent in respect of the above said lands. Though the petitioner had lodged a complaint on 02.12.2015 to the Superintendent of Police, Namakkal and a separate enquiry was conducted between the parties concerned, no further action has been taken. Thereafter, the petitioner made a representation dated 07.12.2015 to the 1st Respondent seeking to cancel the impugned patta which was granted by the 2nd Respondent, however, till date, the said representation has not been



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considered. Hence, the present petition has been filed.

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3. Learned counsel for the petitioner submits that without conducting due process of enquiry and without issuing any notice to the petitioner, the Patta impugned in this Writ Petition has been granted by the 2nd Respondent. Based on the said false patta, the impugned sale deed came to be executed in favour of the 4th Respondent. Though very many grounds have been raised, it would suffice if this Court issues a direction to the 2nd Respondent/Tahsildar to conduct the enquiry between the petitioner and the 5th respondent and pass appropriate orders on the same.

4. On the above contentions, this Court heard the learned Government Advocate appearing for Respondent 1 to 3.

5. Learned counsel appearing for respondents 4 & 5 submits that, with regard to the title of the above said property, the suit in O.S.No.41 of 2016 is pending on the file of the District Munsif Court, Namakkal. While the suit is pending with regard to the very same property before the



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competent civil court, Revenue Authorities have no authority to decide the title of the property. Hence, the claim of the petitioner in the present petition cannot be entertained and this petition is liable to be dismissed.

6. It was fairly conceded by the learned counsel appearing for respondents 4 & 5 that, with regard to the title of the above said property, the suit is pending before the competent civil court. While the suit is pending, Revenue authorities have no jurisdiction to decide the title. Hence, this Court cannot issue any affirmative direction to the respondent as sought for by the petitioner. In such view of the matter, this Court without interfering with the impugned order, permits the petitioner to make a fresh application before the revenue officials after the disposal of the suit.

7. Accordingly, this Writ Petition is disposed of. No Costs. Consequently, the connected Miscellaneous Petitions are closed.

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NHS

Index : Yes / No

Internet : Yes / No

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M.DHANDAPANI, J.

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To

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