



W.P.No.15871 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.15871 of 2016 and
WMP.No.13770/2016

Lakshmi

.. Petitioner

Vs.

1.The District Collector of Villupuram District,
Villupuram.

2.The District Revenue Officer,
Villupuram, Villupuram District.

3.The Revenue Divisional Officer,
Tindivanam, Villupuram District.

4.The Tahsildar,
Tindivanam, Villupuram District.

5.Tmt.Neelavathi

6.Tmt.Valli

7.E.Manoharan

.. Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying of issuance of Writ of Certiorari to call for the records pertaining to the Order dated 14.3.2016 made in Na.Ka. No.A2/ 26703/2009 of the 2nd respondent and to quash the same.



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For Petitioner : Mr.T.Dhanasekaran

For RR1 to 3 : Mr.U.Baranidharan

Additional Government Pleader

For RR5 to 7 : Mr.Subburam

ORDER

The petitioner has filed this petition for issuance of writ of Certiorari to call for the records pertaining to the Order dated 14.3.2016 passed by the 2nd respondent and to quash the same.

2. The case of the petitioner is that an extent of 0.4 cents, new natham no.26/25, old No.26/8 inclusive of thatched shed situate in Guruvammappettai, Tindivam Taluk, Villupuram District, is a house site. Formerly the father-in-law of the petitioner was doing business and levelled the property and put up thatched shed at his costs. Considering his long possession, the Government has issued patta to him and thereafter, his father-in-law had handed over possession to the petitioner and he is making paper dolls and carrying on the business. While so, in 1996 Natham Nilavani Thittam (Scheme) was introduced by the Government and on that basis, patta was issued to the petitioner and thereafter, he is in possession and enjoyment of the property.



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3. While such being the position, one Janakiammal, mother of respondents 5 to 7 was attempting to claim right over the property and since the petitioner's possession was sought to be disturbed, she has filed a Suit in O.S.No.401/2004, on the file of the Court of the District Munsif, Tindivanam, against the 5th respondent for declaration of her title as well as for permanent injunction. However, in the meantime she has received a communication from the 4th respondent that the 5th respondent has objected to the transfer of patta and that an enquiry would be held on the basis of her objection and called upon the petitioner to produce documents. However at the later point of time, it came to the knowledge of the petitioner that the patta has been altered and transferred in the name of Janakiammal as early as on 03.06.2004 by the 4th respondent. Hence, the petitioner had constrained to approach this Court by filing WP.NO.28019 of 2008, challenging the order of the 4th respondent and in the said writ petition, liberty was granted to the petitioner to challenge the order of the Sub Collector, Villupuram, dated 30.06.2006 and after obtaining the copy of the order dated 30.06.2006, the petitioner has filed an appeal before the 2nd respondent. In the meantime, the Suit filed by the petitioner was dismissed



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by the Trial Court on 30.03.2011 and thereafter, challenging the decree and judgment, the petitioner has preferred a First Appeal before the Subordinate Judge, Tindivanam, in A.S.No.22 of 2011. While the matters stood thus, the 2nd respondent without considering the facts of the case and pendency of the appeal before the First Appellate Court, and without assigning any reasons, simply confirmed the order of the 4th respondent, by order dated 14.03.2016. Challenging the said impugned order, the petitioner is before this Court.

4. The learned counsel appearing for the petitioner submitted that the very same property dispute was already litigated by the petitioner before the Trial Court in O.S.No.401/2004 and the same was dismissed. As against the same, the petitioner has preferred A.S.No.22/2011, on the file of the Sub Court, Tindivanam, and the same was dismissed on 30.10.2014 and challenging the Lower Appellate Court Order, the petitioner also preferred Second Appeal before this Court and hence this Court may grant liberty to the petitioner to file fresh application for patta, if she succeeds the civil proceedings.



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5. The learned Additional Government Pleader has no serious objections for the said being passed.

6. Since the petitioner lost her cases before the Civil Courts, the prayer sought for by the petitioner cannot be granted in this writ petition. However considering the limited request sought for by the petitioner, this Court is inclined to grant liberty to the petitioner to workout his remedy in the manner known to law, if she succeeds in the civil proceedings.

7. This Writ Petition is dismissed with the above observations. No costs. Consequently connected miscellaneous petition is closed.

08.11.2022

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M.DHANDAPANI,J.

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To

- 1.The District Collector of Villupuram District,
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- 2.The District Revenue Officer,
Villupuram, Villupuram District.
- 3.The Revenue Divisional Officer,
Tindivanam, Villupuram District.
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