IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 07.01.2022
Coram:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.24962 of 2013
and
M.P.No.1 of 2013

C. Pandurangan ....Petitioner

Vs

1. The District Revenue Officer,
Cuddalore,
Cuddalore District.

2. The Revenue Divisional Officer,
Vridhachalam,
Cuddalore District.

3. The Tahsildar,
Tittakudi Taluk,
Cuddalore District.

4. R.Arumugam ....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of certiorari, calling upon the production of the records relating to the order dated 22.08.2013 made in Na.Ka.V.3/13938/2013 passed by the first respondent herein, quash the same.

For Petitioner	:	Mr.S.Shanmugasundaram
For R1 to R3	:	Mr.A.M.Ayyadurai Government Advocate
For R4	:	Mr.S.Saravana Kumar

ORDER

This Writ Petition has been filed for issuance of a writ of certiorari, calling upon the production of the records relating to the order dated 22.08.2013 made in Na.Ka.V.3/13938/2013 passed by the first respondent herein, quash the same.

2. Heard, Mr.S.Shanmugasundaram, learned counsel appearing for the petitioner, Mr.A.M.Ayyadurai, learned Government Advocate appearing for the respondents 1 to 3 and Mr.S.Saravana Kumar, learned counsel appearing for the fourth respondent.

3. The case of the petitioner is that the property, comprised in survey No.5/2 to an extent of 4.52 acres situated at Paasar Village, Thittakudi Taluk, Cuddalore District, was purchased by the petitioner and his brothers from the fourth respondent under a unregistered sale deed dated 16.10.1983. Thereafter, the petitioner and his brothers jointly purchased an extent of 1.51 acres, out of 4.52 acres from one N.Pushpanathan by a registered sale deed dated 28.01.1987. Thereafter, the petitioner was issued patta No.246. While being so, the fourth respondent challenged the patta issued in favour of the petitioner before the second respondent on the ground that the entire land admeasuring an extent of 4.52 acres was never sold out in favour of the petitioner or leased out in favour of the petitioner. However, the second respondent considered the continuous possession and enjoyment of the subject land by the petitioner upheld the patta issued in favour of the petitioner. Aggrieved by the same, the fourth respondent filed an appeal before the first respondent. The first respondent set aside the order passed by the second respondent and cancelled the patta issued in favour of the petitioner and directed the revenue authorities to restore the patta in the name of the fourth respondent herein.

4. A perusal of the order passed by the first respondent reveals that the fourth respondent filed an appeal on 16.07.2013. Within a period of one month, on 22.08.2013, the first respondent allowed the appeal without even issuing notice to the petitioner and without affording an opportunity to the petitioner. It amounts to clear violation of principles of natural justice. However, there is a title dispute between the petitioner and the fourth respondent in respect of the property comprised in survey No.5/2 and sub-divided as 5/2A, 5/2B, 5/2C, 5/2D and 5/2E.

5. In view of the above, the petitioner and the fourth respondent are directed to approach the Civil Court for appropriate relief. Thereafter, the parties are directed to approach the third respondent for issuance of patta for the subject land subject to the result of the Civil Court. In the meanwhile, the third respondent is directed not to mutate any revenue records as for the order of the first respondent.

6. In the result, the writ petition stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Lpp
To
1. The District Revenue Officer,
Cuddalore,
Cuddalore District.

2. The Revenue Divisional Officer,
Vridhachalam,
Cuddalore District.

3. The Tahsildar,
Tittakudi Taluk,
Cuddalore District

+1 CC to Mr.S.Senthilnathan, Advocate sr 1727
+1 CC to The Government Pleader sr 2041.

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and
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SMI(CO)
SP(27/01/2022)