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WP.No.25578 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

WP.No.25578 of 2016
and W.M.P.No.21955 of 2016

1.Geetha Kumar
2.Pichammal
3.Iyyappan
4.Dhakshayani
5.G.Vijaya

.. Petitioners

Versus

1.The District Revenue Officer
Kancheepuram District

2.The Revenue Divisional Officer
Tambaram, Chennai – 600 045

3.The Tahsildar
Tambaram Taluk

4.R.Veerappan
5.K.N.Seshachalam
6.T.T.Murugesh
7.Magila
8.Loganathan

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the proceeding bearing No.Na.Ka.28929/2011-No.3 dated 11.10.2012 of the 1st respondent and quash the same.



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For Petitioners : Mr.K.Elangoo
For Respondents : Mr.U.Baranidharan for R1 - R3
Additional Government Pleader
Mr.K.A.Mariappan for R8
No appearance – R4 to R7

ORDER

This writ petition is filed challenging the proceedings of the 1st respondent bearing No.Na.Ka.28929/2011-No.3 dated 11.10.2012 and quash the same.

2. Since no notice was served to the private respondents, this Court vide Order dated 09.11.2022, directed the petitioner to effect alternate service to the private respondents in any vernacular newspaper indicating next hearing date. Accordingly, the petitioner had effected the paper publication by publishing the same in Dinamalar Newspaper, Chennai edition on 17.11.2022. In spite of the same and names of the private respondents being printed in the cause-list, none appeared on behalf of the private respondents.

3. The case of the petitioner is that they have purchased certain extent of land comprising 7.5 ares, situated at S.No.12/1, Agaramthem Village, Tambaram Taluk for a valid sale consideration and pursuant to the same, the 3rd respondent Tahsildar has issued patta in their names. However to their shock and surprise, at the instance of the respondents 4, 5 and 6, the 1st



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respondent has cancelled the patta issued in the name of the petitioners without any notice to them and passed an order directing his subordinate to issue patta in the name of one Rajammal, who claims to have sold the above said properties to the respondents 4 to 6. Aggrieved by the order of the 1st respondent, the petitioners are before this Court.

4. The learned counsel appearing for the petitioner submitted that admittedly they have possessed valid title over the subject properties by way of Title Deeds and initially after verification of the entire documents, the 3rd respondent has issued patta in favour of the petitioners. However it is alleged that the respondents 4, 5 and 6 have purchased the subject property from the 7th respondent, who has no valid title over the property and without any valid title, he manipulated the Sale Deed and based on which, the respondents 4, 5 and 6 made application before the 3rd respondent for cancellation of patta in favour of the petitioners, however the 3rd respondent rejected the claim of the private respondents. Against which, they preferred an appeal before the Revenue Divisional Officer, who also confirmed the order of the 3rd respondent with regard to the issuance of patta in favour of the petitioners. Further as against the concurrent findings, the private respondents 4 to 6 had filed Revision Petition before the 1st respondent, who without issuing notice to the



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petitioners, had mechanically cancelled the pattas issued in favour of them. It is further submitted that in clear violation of the well considered order of the fact finding authority, the 1st respondent has passed the impugned order against the petitioners, which is not sustainable and further the said official has cancelled the patta only on the ground that the 7th respondent has produced the Adangal receipt, which is not justifiable and prays for allowing of these petitions.

5. The learned Additional Government Pleader appearing for the official respondents 1 to 3 submitted that admittedly the possession of Adangal is not a valid title deed, whereas the petitioners have produced valid title before the Tahsildar and the Revenue Divisional Officer, who have rendered a concurrent finding in favour of the petitioners. However it is fairly conceded that the present impugned order is passed without issuing any notice to the petitioners.

6. The learned counsel appearing for the 8th respondent also fairly conceded that the present impugned order is passed without any notice to the petitioners.

8. Heard the submissions of the respective learned counsels appearing on all sides and also perused the materials available on record.



9. Facts in the present case is not in dispute. The petitioners have owned the subject properties from the title owner and they possessed a valid title over the property and based on which, the 3rd respondent Tahsildar has issued patta in their favour. However subsequently it seems that the private respondents 4, 5 and 6 had purchased the property from the 7th respondent, who has created a fraudulent documents and pursuant to which, the respondents 4, 5 and 6 made application before the Tahsildar 3rd respondent for cancellation of patta granted in favour of the petitioners, however the 3rd respondent in his categorical finding held that the 7th respondent have no property in the said Village and no documents were available to substantiate that he is holding lands in the said Village and thereby, rejected the claim of the respondents 4, 5 and 6 for cancellation of patta and the 2nd respondent also confirms the order of the 3rd respondent, however the 1st respondent set-aside the orders passed by the respondents 2 and 3, solely on the ground that the 7th respondent has possessed Adangal receipt. On that point, this Court is of the view that no title can be decided based on the adangal, in view of the fact that an Adangal is not a valid title. Hence, the order of the 1st respondent is arbitrary and contrary to law and it is liable to be interfered.



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10. For the reasons aforesaid, these writ petitions are allowed and the proceeding bearing No.Na.Ka.28929/2011-No.3 dated 11.10.2012 of the 1st respondent, is quashed and liberty is granted to the private respondents to workout their remedy before the competent Civil Court by way of Civil Suit. No costs. Consequently, connected miscellaneous petitions are closed.

23.11.2022

dhk

Index:Yes/No

To

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3.The Tahsildar
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M. DHANDAPANI, J.



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