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W.P.No.7405, 9632, 9633 and 20799 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2022

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**W.P.Nos.7405, 9632, 9633 and 20799 of 2015 and
MP.Nos.1/2015 in WP.No.20799/2015 and 2/2015 (4 petitions in all 4
w.ps.) and WMP.No.19095/2016**

1.A.Mohan
2.M.Ramachandran .. Petitioners in WP.No.7405/2015

1.N.Lakshmi
2.Ambrose .. Petitioners in WP.No.9632/2015

1.Ammu @ Alamelu
2.R.Jayasree
3.Jayanthi
4.D.Kumar
5.C.Anand
6.S.Balachandran
7.S.Ganesan
8.T.Mani
9.C.Nedunchezhiyan
10.A.Saroja
11.K.Krishnamurthy

..Petitioner in WP.No.9633/2015

P.Giriraj ..Petitioner in WP.No.20799/2015

Vs.

1.The District Revenue Officer,
Kancheepuram District, Kanchipuram.



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

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3.The Tahsildar,
Tambaram Taluk, Tambaram, Chennai.

4.R.Veerappan

5.K.N.Seshachalam

6.T.T.Muruges

7.Mahila

.. Respondents in all petitions

8.Loganathan ..8th respondent in W.P.No.7405/2015
(R8 impleaded vide order dated 03.04.2019,
made in WMP.No.19097/2016)

Common Prayer :- Writ Petitions filed under Article 226 of the Constitution of India praying of issuance of Writ of Certiorari calling for the records relating to the proceeding bearing No. Na. Ka. 28929/2011-N.3 dt 11.10.2012 of the 1st respondent and quash the same.

For Petitioners in all petitions : Mr.K.Elango

In all petitions:

For RR1 to 3 : Mr.T.K.Saravanan
Government Advocate
For RR4 to 7 : No appearance
For RR8 in W.P.No.7405/2015 : Mr.L.Chandrakumar

Common Order

The petitioners have filed these petitions for issuance of writ of Certiorari to call for the records of the 1st respondent dated 11.10.2012 and quash the same.



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2. The case of the petitioners in W.P.No.7405/2015 is that they have purchased certain extent of land situated at S.Nos.12/4A, 12/4C, 12/8, 12/9, 12/10, 12/11A1, 12/11C1, 12/14A, 12/14C and 12/18, 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 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.

2.1. The case of the petitioners in W.P.No.9632/2015 is that they have owned certain extent of landed property in the above said Village and put up house and enjoying the same. While so, the 7th respondent and one Rajammal had created certain fabricated records and tried to interfere with their property and hence, the petitioners have filed separate Civil Suits before the Civil forum and obtained decree as prayed for in their favour.



While the matter stood thus, at the instance of the respondents 4, 5 and 6, the 1st 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.

2.2. The case of the petitioners in W.P.No.9633/2015 is that they have owned various extent of lands in S.F.Nos.12/3c, 12/12, 12/7B, 12/16, 12/17, 12/7C, 12/3 and 12/17, of Agaramthen Village, Tambaram Taluk and all the petitioners on various dates made applications to the 3rd respondent for issuance of patta and mutation of revenue records. However to their shock, it was learn that at the instance of the respondents 4, 5 and 6, the 1st respondent has cancelled the patta issued in the name of the vendors 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.



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2.3. The case of the petitioner in W.P.No.20799/2015 is that the petitioner has purchased certain extent of property in S.F.No.12, Agaramthen Village, Tambaram Taluk, Kancheerpuram District and immediately after the purchase, he applied for patta before the 3rd respondent. While so, the 7th respondent and one Rajammal had created certain fabricated records and tried to interfere with his property and hence, the vendor of the petitioner has filed Civil Suit before the Civil forum and obtained decree as prayed for in his favour. While the matter stood thus, at the instance of the respondents 4, 5 and 6, the 1st respondent has cancelled the patta issued in the name of the petitioner's vendor without any notice either to him or to the petitioner who is in possession 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.

3. The learned counsel appearing for the petitioners 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 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.



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4. The learned Government Advocate 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.

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

6. Though notice has been served on the private respondents 4 to 7, no one has entered appearance on behalf of them either in person or through counsel. However this Court considering the pendency of this case, is inclined to dispose of these matters based on the available records.



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

8. Facts in the present case is not in dispute. The petitioners have allegedly 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 allegedly 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



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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.

9. For the reasons aforesaid, these writ petitions are allowed and the proceeding bearing No. Na. Ka. 28929/2011-N.3 dt 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.

09.11.2022

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To

- 1.The District Revenue Officer,
Kancheepuram District, Kanchipuram.
- 2.Revenue Divisional Officer,
Tambaram, Chennai 600 045.
- 3.The Tahsildar,



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Tambaram Taluk, Tambaram, Chennai.

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M.DHANDAPANI,J.

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