IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.12621 of 2022

and

W.M.P.No.12065 of 2022

C. Sivakumar . . . Petitioner

Vs.

1. The District Revenue Officer,
Villupuram,
Villupuram District.

2. The Revenue Divisional Officer,
Villupuram Taluk & District.

3. The Tahsildar,
Villupuram Taluk & District.

4. The Joint-I Sub-Registrar,
Villupuram.

5. Chandrakesan. . . . Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ or order or direction in the nature of Writ of Certiorarified Mandamus to call for the records relating to the impugned order dated 21.04.2022 made in Na.Ka.No.A6/1406/2022 passed by the 3rd Respondent and to quash the same, consequently direct the fourth respondent to register the settlement deed dated 10.08.2021 in respect of the property and building comprised in Survey No.69/24, measuring an extent of 106 Sq.mt.(1140 Sq.ft.) in Patta No.548, situate at Poiyyapakkam Village, Villupuram Taluk and District forthwith.

For Petitioner	: Mr. C.Prabakaran
For Respondents	: Mr. Yogesh Kannadasan, Special Government Pleader.

ORDER

The present petition has been filed seeking the relief of quashment of the impugned order dated 21.04.2022 passed by the3rd Respondent and a direction to the fourth respondent to register the settlement deed dated 10.08.2021 in respect of the subject properties.

2. It is the case of the petitioner that the subject lands were allotted to the petitioner's father and his brother as free house site by the Department of

Adi Dravidar and Tribal Welfare and Patta was granted in favour of them with respect to the said lands. Thereafter, the Petitioner's father and his brother executed the sale deed dated 14.06.2006 in favour of the petitioner with respect to the lands to an extent of 30.37 sq.m, pursuant to which, the Patta was also transferred in favour of the petitioner. In order to settle the the property in favour of his wife, the petitioner had executed a settlement deed in favour of his wife and placed the same for registration before the 4th Respondent/Sub-Registrar, who in turn, referred the matter to the 3rd Respondent/Tahsildar for conducting an enquiry. On conducting an enquiry, the 3rd Respondent/Tahsildar, had canceled the Patta which was granted in favour of the petitioner vide the impugned order dated 21.04.2022. Challenging the same, the petitioner has come up with the present petition.

3. Learned Counsel for the petitioner submits that once Patta has been granted, the 3rd Respondent/Tahsildar has no jurisdiction to cancel the same. Though the enquiry was conducted at the time of granting Patta in favour of the petitioner, once again the enquiry has been conducted at the instigation

of the 4th Respondent/Sub-Registrar, which has resulted in passing of the order impugned in this Writ Petition which is not sustainable. Therefore, the order impugned in this Writ Petition is liable to be interfered with by this Court.

4. Learned Government Advocate appearing for the Respondents 1 to 4 submits that the order impugned in this Writ Petition came to be passed in view of the fact that Patta has been erroneously granted in respect of the excess lands to an extent of 106 sq.m apart from the lands to an extent of 30.37 sq.m which was granted in favour of the petitioner. Therefore, the order impugned in this Writ Petition needs no interference, as the same cannot be found fault with. If at all the petitioner is aggrieved, there is a remedy of appeal available for the petitioner before the Revenue Divisional Officer and the said remedy has also been mentioned in the impugned order. Instead of availing the remedy before the Revenue Divisional Officer, filing of Writ Petition before this Court is not sustainable. Hence, the petitioner may be permitted to file an appeal before the Revenue Divisional Officer and the same shall be considered in accordance with law.

5. It is the stand of the respondents that Patta was cancelled only due to the fact that it was granted in respect of excess lands to an extent of 106 Sq.mts. However, against the said order, remedy of appeal is available before the Revenue Divisional Officer and therefore, without going any further into the issue, this Court, permits the petitioner to file an appeal before the concerned Revenue Divisional Officer along with the copy of this order, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the Revenue Divisional Officer is directed to consider and pass appropriate orders on the same in accordance with law, within a period of twelve weeks thereafter.

6. Accordingly, this Writ Petition is disposed of with the aforesaid direction. No Costs. Consequently, the connected Miscellaneous Petition is closed.

09.06.2022

NHS

Index : Yes / No
Internet : Yes / No

M.DHANDAPANI, J.

NHS

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