



W.P.No.9662 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.9662 of 2016

1.Valarmathi
2.Sasikala
3.Arumai Kumar
4.Suganthi

... Petitioners

Vs.

1.The District Collector
Kanchipuram District,
Kanchipuram.

2.The District Revenue Officer,
Kanchipuram District,
Kanchipuram.

3.The Tahsildar,
Chengalpattu,
Kanchipuram District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records on the file of the second respondent in order dated:18.06.2010 made in proceedings No.Na.Ka.5071/2008/No.4 and quash the same in so far as the direction directing the petitioner to file a civil suit before the



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competent Civil Court and directing the third respondent to issue patta in the name of the petitioners.

(Prayer amended as per order dated 30.03.2016 by R.P.S.,J. in WMP.9645/2016 in WP.9662/2016.)

For Petitioners : Mr.C.Chokalingam
For Respondents : Mr.T.K.Saravanan
Government Advocate

ORDER

The petitioners have filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records on the file of the second respondent in order dated 18.06.2010 made in proceedings No.Na.Ka.5071/2008/No.4 and quash the same in so far as the direction directing the petitioner to file a civil suit before the competent civil Court and directing the third respondent to issue patta in the name of the petitioners.

2.The case of the petitioners is that the petitioners grandmother namely, Kanniammal purchased one acre of land in S.No.305/3 and one acre of land in S.No.305/4 vide document no.935 of 1949 and they were in possession and enjoyment of the property and after the death of their grandmother, their father was maintaining the property and he let out the property for lease and after the death of their



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father, their mother was maintaining the property. Whiles, the lessees mutated patta in their favour and on coming to know about the same, their mother made representation to the second respondent and the impugned proceedings came to be issued. Hence, this writ petition.

3.The learned counsel appearing for the petitioner submitted that one Murugesan and Nagappan are the legal heirs of one Ponnusamy and they alienated the property to the petitioners grandmother. Thereafter, the said Nagappan and one Dhamodharan who is the legal heir of Murugesan alienated the very same property to one Dheenadhayalan. The learned counsel further submitted that the petitioners grandmother purchased the property prior to Dheenadhayalan and the same reflected in the report of the third respondent, however, the second respondent conveniently ignored the report filed by the third respondent and mechanically rejected the representation made by the petitioners mother, which is not sustainable one.

4.The third respondent has filed counter affidavit, wherein, in paragraph no.4 it is stated as follows:



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"4) It is submitted that one Tmt.SaraswathyPachaiyappan had earlier filed representation before the District Revenue Officer, Kancheepuram to cancel the pattas for the lands in S.Nos.305/3 and 305/4 measuring an extent of 2.00 acres stood in the names of other person and to mutate the pattas in favour of the legal heirs of Tmt.Kanniammal. The District Revenue Officer, Kancheepuram, who conducted enquiry in the matter had passed order rejecting the plea of Tmt.SaraswathyPachaiyappan and directed them to seek remedy from the appropriate Civil Court, since many sales transaction has occurred over the rights and title of the land and consequently pattas were also mutated in various persons, after the sale deed no.935/1949, upon which the petitioner claimed patta vide Proceedings Na.Ka.5071/2008/N4 dt.18.06.2010. It is submitted that according to the aforesaid order, no directions were given to the Tahsildar, Chengalpattu to mutate the patta for the lands in S.No.305/3 and 305/4 of Olalur Village, Chengalpattu Taluk in favour of the petitioner therein or to the legal heir



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***of Tmt.Kanniammal W/o.Rajavelu.
However, it is submitted that the
petitioner herein has filed the present
writ petition with a malafide intention of
misguiding the Hon'ble Court and, as
such, the petitioner are not entitled for
any kind of relief through this writ
petition."***

5.Heard the arguments advanced on either side and perused the materials available on record.

6.Admittedly, the petitioners mother made representation before the District Revenue Officer, Kancheepuram, to cancel the pattas for the lands in S.Nos.305/3 and 305/4 measuring an extent of 2.00 acres stood in the names of other person and to mutate the pattas in favour of the legal heirs of Kanniammal. The District Revenue Officer, Kancheepuram, who conducted enquiry in the matter had passed order rejecting her plea and directed them to seek remedy from the appropriate Civil Court.

7.Perusal of records reveal that the petitioners grandmother namely, Kanniammal purchased one acre of land in S.No.305/3 and



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one acre of land in S.No.305/4 vide document no.935 of 1949 and the third respondent had made recommendation for mutation of revenue records, however, the said recommendation was not properly discussed in the impugned order. The fact that the petitioners father let out the disputed property for lease and after his death, their mother was maintaining the property, however, the lessees mutated patta in their favour was also not considered by the District Revenue Officer.

8.In view of the above, the impugned order of the second respondent dated 18.06.2010 is set aside and the matter is remanded back to the second respondent for fresh consideration. The second respondent is directed to hear the petitioner as well as the other aggrieved persons and thereafter pass appropriate orders, based on the title possessed by the parties.

9.The writ petition is allowed in the above terms. No costs.

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Speaking Order/ Non Speaking Order
Index: Yes/ No Internet: Yes/ No



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To

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M.DHANDAPANI,J.
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