



W.P. No.20666 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.20666 of 2022

and

W.M.P.No.19774 of 2022

N.Thangavel

... Petitioner

Vs.

1. The District Collector,
Collectorate,
Cuddalore District.
2. The Revenue Divisional Officer,
Virudhachalam,
Cuddalore District.
3. The Village Administrative Officer,
Vallimanduram Village,
Tittakkudi Taluk,
Cuddalore District.
4. The Village Administrative Officer,
Vallimaduram Village,
Tittakkudi Taluk,
Cuddalore District.

5. M.Velusamy
Respondents

...

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the



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first respondent proceedings in Ne.Mu.Ve.3/12743/2022 dated 31.05.2022 quash the same and consequently restore the patta No.262 in Survey No.46/8 to an extent of 0.11.50 Ares lands situated in Vallimaduram Village, Tittakudi Taluk, Cuddalore District and the Patta No.270 as per A register pending finalization of the O.S.No.90 of 2021.

For Petitioner : Ms.T.Dharani

For R1 to R4 : Mr.R.P.Murugan Raja
Government Advocate

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus to quash the proceedings of the first respondent in Ne.Mu.Ve.3/12743/2022 dated 31.05.2022 and to consequently restore the patta No.262 in Survey No.46/8 to an extent of 0.11.50 Ares lands situated in Vallimaduram Village, Tittakudi Taluk, Cuddalore District and the Patta No.270 as per "A" register pending finalization of the O.S.No.90 of 2021.

2. Since no adverse order is being passed against the fifth respondent, notice to the fifth respondent is dispensed with.

3. The case of the petitioner is that originally the petitioner's father, namely Narayanan Chettiar was in possession and enjoyment of the above said property and Settlement Patta was also issued in his favour, vide Patta



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No.262. During UDR scheme proceedings, the petitioner's father's name was erroneously computed as "Narayana Reddiar" instead of "Narayanan Chettiar". After the demise of petitioner's father, the petitioner and his brother succeeded the above said property. Based on the representation dated 05.10.2018 given by one Karuppan seeking patta, the third respondent vide proceedings dated 30.08.2019, issued patta in favour of said Karuppan in respect of S.Nos.46/3, 4, 5, 6, 7, 8, 9,12 and 282/1, in which the petitioner's property is also included. Thereafter, the said Karuppan based on the proceedings of the third respondent, executed a forged sale deed, vide Document No.1510 of 2019 in favour of the fifth respondent. Aggrieved over the same, the petitioner filed a Writ Petition in W.P.No.6117 of 2021, pursuant to the order of this Court dated 24.03.2021 in the above said Writ Petition, the second respondent vide proceedings dated 13.04.2022 directed the third respondent to set aside the proceedings dated 30.08.2019 and directed to update as per the A-Register. Thereafter, the fifth respondent on receipt of the proceedings of the second respondent, had preferred an appeal dated 22.04.2022 before the Additional District Collector (Revenue), who in turn, vide proceedings dated 31.05.2022 cancelled the proceedings of the second respondent dated 13.04.2022 and restored the proceedings of the third respondent dated 30.08.2019. Challenging the same, the present Writ



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Petition has been filed.

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4. The learned counsel for the petitioner submitted that though the petitioner's father was in possession of the property in S.No.46/8 and Patta was issued in respect of the same, the third respondent based on the representation and forged documents given by said Karuppan issued Patta in respect of S.Nos.46/3,4,5,6,7,8,9,12 and 282/1 vide proceedings dated 30.08.2019 in favour of said Karuppan. Aggrieved over the same, the petitioner filed the above said Writ Petition before this Court, pursuant to which the second respondent vide proceedings dated 13.04.2022 had considered the issue and came to a conclusion that a suit in O.S.No.90 of 2021 filed by said Karuppan is pending before the District Munsif Court, Tittakudi and cancelled the proceedings of the third respondent and directed to update the correction as per the A Register, however, the Additional District Collector (Revenue) without considering the said vital fact restored the proceedings of the third respondent dated 30.08.2019, which is not sustainable. Accordingly, he prayed for passing appropriate orders.

5. On the above contentions, heard the learned counsel appearing for the respondents 1 to 4 and perused the materials placed on record.



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6. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7. On perusal of the impugned order, this Court finds that the Additional District Collector (Revenue) has allowed the appeal filed by the fifth respondent on the reasoning that when the suit in O.S.No.90 of 2021 is pending between the parties, the second respondent has no authority to decide the issue as per Rule 4(4) of the Patta Passbook Rules. Hence, this Court finds that the reasoning afforded by the Additional District Collector (Revenue) justifiable. Accordingly, this Writ Petition is disposed of with liberty to the petitioner to work out his remedy in the manner known to law. The District Munsif Court, Tittakudi is directed to decide the issue without being influenced by the observation made by the Revenue Officials.

8. Accordingly, this Writ Petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

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Index : Yes / No
Speaking order : Yes / No
RAP



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To

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M.DHANDAPANI, J.

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