



W.P.No.26047 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2022

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.26047 of 2022

Bangaru Ammal

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Udayarpalayam Taluk,
Ariyalur District.

2.The Tahsildar,
Sendurai Taluk,
Ariyalur District.

3.C.Chidambaram

4.Rajamani

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus, directing the first respondent herein to consider and pass orders on the representation of the petitioner dated 12.07.2022 for cancellation of Patta No.2724 issued in the name of 4th respondent by the 2nd respondent in respect of land comprised in Survey No.9/7, Thathanur Village, Senthurai Taluk, Ariyalur District.



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For Petitioner : Mr.G.Vasudevan

For Respondents : N.Senthil Selvi,
Government Advocate

ORDER

By consent of both the parties, the writ petition is taken up for final disposal at the time of admission stage itself.

2. Since no adverse order has been passed against the 3rd and 4th respondents, notice to the 3rd and 4th respondents are dispensed with.

3. This Writ Petition has been filed seeking for issuance of Writ of Mandamus, directing the first respondent herein to consider and pass orders on the representation of the petitioner dated 12.07.2022 for cancellation of Patta No.2724 issued in the name of 4th respondent by the 2nd respondent in respect of land comprised in Survey No.9/7, Thathanur Village, Senthurai Taluk, Ariyalur District.

4. The case of the petitioner is that the property measuring an extent of



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0.17 hectares, comprised in Survey No.9/7, Thathanoor Village, Senthurai Taluk, Ariyalur District was owned by petitioner's mother and she was in possession and enjoyment of the subject property. While that being so, without reference to the petitioner's mother or other legal heirs, the third respondent herein had executed a Sale Deed dated 14.05.1996 registered as document No.1197 of 1996 in favour of the fourth respondent. Further, the absolute owner of the said land viz., Ayyammal was very much alive at the time of executing the fraudulent sale deed and she died only on 02.08.1996. Therefore, the petitioner and her sister jointly made a representation dated 12.07.2022 before the first respondent, seeking for cancellation of patta in favour of the fourth respondent with regard to the subject property, however, till date, no order was passed. Hence, this writ petition.

5. Learned counsel for the petitioner would submit that admittedly the petitioner's mother is the absolute owner of the subject property. However, without the consent of petitioner's mother and other legal heirs, the third respondent alienated the property in favour of fourth respondent and mutated the revenue records is not sustainable one. Accordingly, he prayed for



appropriate direction to the official respondents to cancel the patta.

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6. Heard the learned counsel for the petitioner and perused the materials placed on record.

7. The facts in the present case is not in dispute. Admittedly, the the fourth respondent alienated the subject property in favour of the third respondent prior to the death of petitioner's mother and the same is clear from the records that the petitioner mother died on 02.08.1996, whereas, they alienated the property on 14.05.1996, however, till date, the sale deed executed in favour of the fourth respondent by the third respondent is not challenged in the manner known to law, unless the sale deed is set aside, the Revenue Authorities have no power to cancel the patta. Hence, the prayer sought for by the petitioner cannot be granted.

8. In view of the above, this writ petition stands dismissed. However, liberty is granted to the petitioner to approach the competent Civil Court as against the third and fourth respondent in the manner known to law. If, the petitioner succeeds the civil suit, she is granted liberty to file a fresh



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application before the Revenue Officials. No costs.

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Index : Yes/No

Speaking Order : Yes/No

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M.DHANDAPANI,J.

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