



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P. NO.19783 OF 2017
W.M.P.NOS.21354 TO 21356 OF 2017

1. Kumar
2. Palani

... Petitioners

-Vs-

1. The District Revenue Officer,
Dharmapuri, Dharmapuri District.
2. The Revenue Divisional Officer,
Harur, Dharmapuri District.
3. The Tahsildar,
Harur Taluk, Harur,
Dharmapuri District.
4. Chennai Chetty

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the entire records relating to the impugned order passed by the first respondent in his proceedings Na.Ka.22791/2015/P2, dated 30.06.2017 and quash the same.

For Petitioners : Mr.C.Prakasam

For Respondents

For R1 to R3 : Mr.V.Jeevagiridharan
Additional Government Pleader

For R4 : Mr.V.Karthikeyan
For Mr.V.Nicholas



ORDER

The Writ Petition has been filed to call for the entire records relating to the impugned order passed by the first respondent in his proceedings Na.Ka.22791/2015/P2, dated 30.06.2017 and quash the same.

2. The case of the petitioners is that their mother purchased the property comprised in S.No.15/3 ad-measuring 2.10 acres situated at Vallimadurai Village, Harur Taluk, Dharmapuri District, from the fourth respondent's father and his son by the unregistered sale deed dated 30.01.1990. Thereafter, their mother executed a sale deed in favour of the petitioners vide document No.2578 of 2010. On the strength of the sale deed executed in favour of the petitioners, they applied for patta and the third respondent by an order 02.08.2010 issued patta in favour of the petitioners for the very same property. Aggrieved by the same, the fourth respondent filed appeal before the first respondent and by the impugned order the first respondent cancelled the patta issued in favour of the petitioners. Aggrieved by the same the petitioners approached this Court with the present Writ Petition.

3. Heard Mr.C.Prakasam, learned counsel appearing for the petitioners, Mr.V.Jeevagiridharan, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.V.Karthikeyan, learned counsel appearing for the fourth respondent.

4. On perusal of records revealed that the petitioners' mother filed a suit in O.S.No.125 of 2006 for declaration and injunction in respect of the very same property as against the fourth respondent and his brothers. The said suit was dismissed and aggrieved by the same appeal suit was filed in A.S.No.31 of 2009 on the file of the Subordinate Court, Harur, and the same also dismissed, as against which, a Second Appeal was filed in S.A.SR.No.14728 of 2013 and the same is pending without even numbering as main Second Appeal.

5. Further the first respondent conducted detailed enquiry and on perusal of documents and on receipt of the report from the second respondent, the first respondent concluded that the suit and appeal suit filed by the petitioners' mother were dismissed and aggrieved by the same they filed Second Appeal, which is pending in S.R stage before this Court. That apart, the said land comprised in S.No.15/3 ad measuring 2.10 acres originally stands in the name of Chenraya Chetty and after partition between his family members, sub division was effected as survey No.15/3C by the proceeding dated 18.02.2009 to an



extent of 0.52.0 hectare and the patta stands in the name of the said Chenraya Chetty. Further the petitioners claimed patta for the property under the unregistered sale deed and therefore, the first respondent rightly cancelled the patta issued in favour of the petitioners by the impugned order. Therefore, this Court finds no illegality or infirmity in the order passed by the first respondent and the present Writ Petition is devoid of merits and is liable to be dismissed. However, if the petitioners succeed in the Second Appeal filed by their mother, they can very well approach the third respondent for issuance of patta.

6. Accordingly, the Writ Petition stands dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

rts

To

1. The District Revenue Officer,
Dharmapuri, Dharmapuri District.
2. The Revenue Divisional Officer,
Harur, Dharmapuri District.
3. The Tahsildar,
Harur Taluk, Harur,
Dharmapuri District.

+1cc to Mr.V.Nicholas, Advocate, S.R.No.1221

+1cc to the Government Pleader, S.R.No.1646

W.P. No.19783 of 2017
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RSV(CO)
RLP(27/01/2022)