



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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W.P (MD)No.11507 of 2010

and

MP(MD) No.3 of 2010

1.Tmt.Lakshmikantham Ammal
2.G.Selvam

...Petitioners

Vs.

1.The Principal Secretary & Commissioner,
of Land Administration,
Chepauk,
Chennai - 600 005.

2.The District Revenue Officer,
Thanjavur (W.E),
Thanjavur.

3.The Revenue Divisional Officer,
Kumbakonam.

4.The Tahsildar,
Thiruvidaimaruthur,
Thanjavur District.

5.Tmt.Mangalam
6.Tmt.Meena
7.S.Srinivasan
8.S.Gopalsamy
9.Sridhar

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned order of the third respondent in Ref.Tho.Mu.Pa.Ma.2 8/98 A3, dated 13.08.1999 as confirmed by the second respondent in impugned proceedings Ref.Tha.Pa.No.49/99/Vu2, dated 31.05.2005 and impugned proceedings of the first respondent in Rc.No.K3/11816/06, dated 31.03.2010 and quash the same.

For Petitioner	: Mr.M.P.Senthil
For R1 to R4	: Mr.S.P.Karthick Government Advocate
For R6 to R9	: Ms.R.Meenakumari
For R5	: Dismissed for default



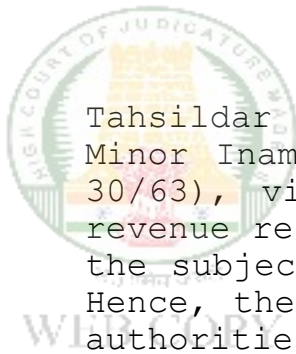
ORDER

This writ petition is filed as against the order passed by the third respondent and confirmed by the first and second respondents, cancelling the patta granted by the fourth respondent, in favour of the first petitioner's husband.

2.The case of the petitioner is that the first petitioner's husband, namely, Govindarajulu Naidu (late) purchased the property measuring 23 cents in S.No.68/12, situate in Keelamathur Village, Keelamathur Taluk, Thiruvidadaimaruthur, by a registered sale deed, dated 30.09.1976. According to the petitioner, till the date of purchase of 23 cents in S.No.68/12, from the vendor Seshachala Naidu, there was no alienation or sale of any property by him to any person. On the basis of the valid sale transaction, the fourth respondent has granted patta in name of the petitioner's husband, by proceedings dated 10.02.1988. Thereafter, on appeal filed by the respondents 5 to 9 before the third respondent, the patta granted in favour of the petitioner's husband was erroneously cancelled on 10.08.1999, placing reliance upon the subsequent event that S.No.68/12A was transferred in the name of Suryanarayan during the UDR Scheme. The order passed by the third respondent, cancelling the patta granted in favour of the petitioner's husband was confirmed by the first and second respondents. Hence, the petitioners filed this writ petition.

3.The learned counsel appearing for the petitioner submits that pending this writ petition, the respondents have filed a suit for injunction before the Principal District Munsif Court, Kumbakonam in O.S.No.269 of 2009, for permanent injunction as against these petitioners and the same was decreed by the judgment, dated 21.12.2009. Aggrieved over the same, the petitioners filed an appeal before the Sub Court, Kumbakonam in AS.No.39 of 2010 and the same was allowed in favour of the petitioners and the matter was remanded back to the trial Court on 21.01.2011. Thereafter the suit filed by the respondents in O.S.No.269 of 2009 was dismissed, by the judgment, dated 19.10.2016, as against which, the seventh respondent filed AS No.10 of 2017, before the Additional Sub Court, Kumbakonam. The appeal in AS No.10 of 2017 was dismissed on 14.03.2018. The plaintiffs have filed the suit for permanent injunction based on the documents under Ex.A1 & A4 alone, whereas, the defendants produced orders of the settlement Tahsildar passed under Ex.B 12. Therefore, once the civil court has held that these petitioners are having valid title than that of the respondents, the orders passed by the revenue authority under Patta Pass book Act is liable to be set aside.

4.The learned counsel appearing for the respondents 6 to 9 submits that Survey Nos. 68/12, consisting Nanja lands to an extent of 44 cents was settled in favour of three persons, by Settlement



Tahsildar by conducting suo moto enquiry, in terms of Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act 1963 (Act 30/63), vide order dated 19.06.1967. He further submits that the revenue records clearly indicate and record the title, possession of the subject lands in favour of the respondents and their ancestors. Hence, there is no need to interfere with the orders of the revenue authorities.

5.This Court considered the rival submissions and perused the materials placed on record.

6.Admittedly, what is decided by the revenue authorities is by cancelling the order passed by the Tahsildar and the Tahsildar has passed the order erroneously, granting patta in favour of the first petitioner's husband, without properly taking note of the earlier settlement orders and the Patta Registers. Therefore, this Court is not inclined to interfere with the orders of the revenue authority. However, it is always open to the parties, to work out their remedy, before the appropriate civil Court, establishing their right over the property.

7.Accordingly, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (RTI)

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/ /2022

Sub Assistant Registrar(CS)

Vrn

To

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of Land Administration,
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Chennai - 600 005.

2.The District Revenue Officer,
Thanjavur (W.E),
Thanjavur.

3.The Revenue Divisional Officer,
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4.The Tahsildar,
Thiruvidaimaruthur,
Thanjavur District.

+1 CC to M/s.M.P. SENTHIL, Advocate (SR-19222[F] dated 19/04/2022)

+1 CC to M/s.SPL.GP (SR-19349[F] dated 19/04/2022)

+1 CC to M/s.R. MEENA KUMARI, Advocate (SR-19416[F] dated 19/04/2022)

ORDER MADE IN
W.P (MD) No.11507 of 2010
and
MP (MD) No.3 of 2010
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