



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.11555 of 2010 and
M.P(MD) No.1 of 2010

P.Selvam

...Petitioner

Vs.

1.The Principal Secretary and
Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai - 05.

2.K.Thangamalai

...Respondents

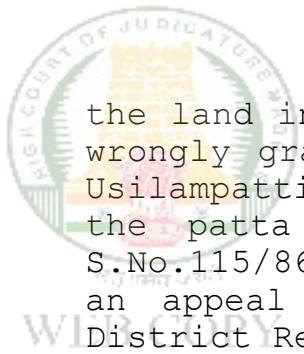
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned order of the first respondent bearing No.D.Dis/K4/18348/08 dated 31.03.2010 and quash the same.

For Petitioner	: Mr.M.Gnanagurunathan
For R1	: Mr.A.Baskaran
	Additional Government Pleader
For R2	: Mr.V.Nagendran

O R D E R

This writ petition is filed as against the order of the first respondent in D.Dis/K4/18348/08 dated 31.03.2010, confirming the orders of the authorities, cancelling the patta granted in favour of the petitioner.

2.The petitioner purchased a land comprised in Survey No.115/5, to an extent of 3 cents from one Subbiah, by way of a registered sale deed. According to the petitioner, the original survey No.115/5 was sub divided into various plots and three cents of land purchased by the petitioner was also re-numbered as S.No.115/48 and 115/86, after sub-division. The Tahsildar, Peraiyur granted patta in favour of the petitioner, vide proceedings dated 23.03.2003. As there was a dispute between the petitioner and the second respondent, who is the owner of the adjacent land in Survey No.115/47, he filed a suit in O.S.No.69/2004, on the file of the District Munsif Court, Thirumangalam and the same was dismissed. Hence, he gave a complaint to the Revenue Divisional Officer that



the land in Survey No.115/86 is a public pathway and patta has been wrongly granted to the petitioner. The Revenue Divisional Officer, Usilampatti, without looking into the revenue records had cancelled the patta issued in favour of the petitioner, in respect of S.No.115/86, on 15.10.2004, as against which, the petitioner filed an appeal before the District Revenue Officer, Madurai and the District Revenue Officer has also confirmed the order of the Revenue Divisional Officer, without applying his mind. Therefore, the petitioner filed a Revision before the first respondent and the first respondent had also confirmed the orders of the authorities. According to the petitioner, the orders of the authorities have been passed mechanically, without applying their mind and without looking into the revenue records. Hence, the petitioner has filed the present writ petition.

3.The learned counsel appearing for the petitioner submits that at the time when the land was purchased by his vendor Subbaiah from one V.Selvam, the land in Survey No.115/5 was not sub divided. The sub division was taken place only at the time, when the land was purchased by the petitioner and hence, the authorities cannot classify the land as a public pathway. He further submits that there is no record to prove that there was a pathway between S.No.115/47 and S.No.115/48. Hence, the orders of the authorities, cancelling the petitioner's patta has to be set aside.

4.The learned Additional Government Pleader appearing for the first respondent submits that by a registered document dated 19.11.2003, the petitioner had purchased the land from one Subbaiah, to an extent of 3 cents, as against 0.44 sq.mts (1.25 cents) stands registered in the name of the vendor in revenue records. During the enquiry, it was revealed that the Tahsildar, Peraiyur has granted patta to the petitioner to an extent of 3 cents, without verifying the relevant revenue records. He further submits that as the vendor of the petitioner has sold the vacant site allotted for public purpose without any title, the patta granted for the subject land in favour of the petitioner is liable to be cancelled and accordingly, the authorities have passed the orders. Hence, there is no need to interfere with the order of the revenue authorities.

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

6.Initially, the Tahsildar, Peraiyur had granted patta in favour of the petitioner for the land said to have been purchased by the petitioner. Subsequently, the same was cancelled by the revenue authorities stating that the petitioner is not having any right over the property. Aggrieved over the same, the petitioner has filed the present writ petition. This Court cannot conduct any roving enquiry to decide as to whether the petitioner is having any right over the property or not, by exercising its writ jurisdiction.



7. Accordingly, this writ petition is dismissed. The petitioner is at liberty to work out his remedy before the appropriate Civil Court. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (Criminal
Side)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Vrn

To

The Principal Secretary and
Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai - 05.

+1 CC to M/s.M.GNANAGURUNATHAN, Advocate (SR-22248[F] dated 28/04/2022)

+1 CC to M/s.V.NAGENDRAN, Advocate (SR-22314[F] dated 28/04/2022)

+1 CC to M/s.SPL. GP (SR-23038[F] dated 29/04/2022)

ORDER MADE IN
W.P(MD)No.11555 of 2010 and
M.P(MD) No.1 of 2010
29.04.2022

SS/26.05.2022 : 3P/5C