



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:07.09.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMARW.P(MD)No.14083 of 2012

WEB COPY

A.Kandavel

... Petitioner

Vs.

1.The Tahsildar,
Sankarankovil Taluk,
Sankarankovil,
Tirunelveli District.

2.The Zonal Deputy Tahsildar,
Sankarankovil Taluk,
Sankarankovil,
Tirunelveli District.

3.The Tamil Nadu Boodan Board,
represented by its Chairman,
Commissionerate of Land Reforms,
Ezhilagam, Chepauk,
Chennai-600 005.

... Respondents

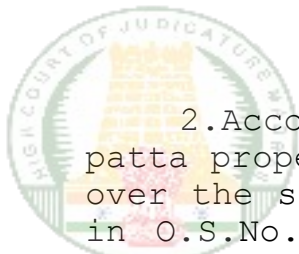
(R3 is impleaded vide Court order dated 27.07.2022
in W.M.P.(MD).No.10907 of 2022 in
W.P.(MD).No.14083 of 2012)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the second respondent in RTR No.197/12, dated 13.01.2012, quash the same and consequently direct the respondents to issue patta to the petitioner's property pursuant to the sale deed Document No.1509/2011, dated 17.05.2011.

For Petitioner	: Mr.R.J.Karthick for M/S.R.Subramanian
For Respondents 1 and 2	: Mr.M.Lingadurai Special Government Pleader
For 3 rd Respondent	: No appearance

ORDER

The present writ petition has been filed challenging an order passed by the second respondent herein, under which the request of the petitioner for transfer of patta has been rejected.



2. According to the petitioner, the properties are the patta properties and Tamil Nadu Boodan Board has no right whatsoever over the said property. The petitioner's vendors had filed a suit in O.S.No.219 of 2001, on the file of the District Munsif Court, Sankarankovil, as against the Boodan Board for the relief of mandatory injunction that the board should not disturb with regard to the half share of the plaintiffs therein and should not transfer any revenue records as against the plaintiff therein. The suit came to be decreed on 26.03.2003 and the same has become final. Thereafter, the petitioner has purchased the property in dispute by way of registered document, dated 20.07.2010. At the time of registration, the Sub Registrar entertained a doubt whether the land standing in the name of Boodan board in the revenue records could be registered. The concerned Sub Registrar has also issued a notice to the Boodan Board. However, there was no response from the Boodan Board. The Sub Registrar did not proceed to register the documents. Hence, the petitioner had filed W.P.(MD).No.13588 of 2010, in which, the Boodan Board was made as the Second respondent. Though this Court had issued notice to the second respondent and the notice was served upon them, there was no appearance on the side of the Boodan Board. Thereafter, this Court was pleased to pass an order on 05.04.2011 directing the Sub Registrar to register the sale deed in favour of the writ petitioner.

(*)3. Based upon the said sale deed, the petitioner has approached the second respondent for effecting the mutation of the revenue records in his name. However, the said request was turned down and the impugned order was passed by the second respondent on the ground that in the village accounts in patta No.1101, the name of the Boodan Board is reflected and hence, for any transfer of patta, the petitioner has to approach only the Boodan board. The said order is under challenge in the present writ petition..

4. The learned counsel appearing for the petitioner has contended that the Boodan Board has suffered a decree in O.S.No.219 of 2001 and they did not choose to appear before this Court in W.P.(MD).No.13588 of 2010. When the petitioner wanted the sale deed to be registered and once the sale deed is registered in the name of the petitioner thereafter, the Revenue authorities are duty bound to mutate the revenue records in the name of the writ petitioner.

5. In the present writ petition also, the Boodan Board was also impleaded as the third respondent by way of an order dated 27.07.2022. Though notices have been served on the Boodan Board, they have not chosen to appear even in the present writ petition.

6. In view of the above said facts, this Court finds that the Boodan Board has suffered a Civil Court decree in O.S.No.219 of 2001 and a sale deed has been executed in favour of the writ petitioner. The said sale deed was not registered by the first respondent



herein. However, by an order of this Court, dated 05.04.2022, the said sale deed has been registered in the name of the writ petitioner, after issuing notice to the Boodan Board.

7. In view of the above said facts, the Revenue authorities are not legally correct in directing the writ petitioner to approach the Boodan Board for transfer of patta. In all cases, patta can be granted only by the Revenue officials and not by the Boodan Board, especially, in the present case, the Boodan board has lost a civil suit in O.S.No.219 of 2001. Therefore, the petitioner cannot be directed to approach the Boodan Board for getting patta.

8. In view of the above said facts, the order impugned in the writ petition is set aside. The second respondent is directed to issue revenue patta in favour of the writ petitioner within a period of twelve (12) weeks from the date of receipt of a copy of this order.

9. With the above directions, this writ petition stands allowed. No costs.

Sd/-

Assistant Registrar (CS III)

(*) Corrected as per the order of this Court dated 22/11/2022 in W.P(MD)No.14083 of 2012

Sd/-

Assistant Registrar (CS III)

// True Copy //

/09/2022

Sub Assistant Registrar(CS)

vsg

To:

(*) To be substituted to the order already despatched on 29/09/2022

1. The Tahsildar,
Sankarankovil Taluk,
Sankarankovil, Tirunelveli District.

2. The Zonal Deputy Tahsildar,
Sankarankovil Taluk,
Sankarankovil, Tirunelveli District.

+1 CC to M/s.SPL.GP (SR-44083[F] dated 09/09/2022)

W.P(MD)No.14083 of 2012
07.09.2022

MGJ(22.09.2022) 3P 4C

RD(01/12/2022) 3P 4C

<https://www.mhc.tn.gov.in/judis>