



W.P.No.9251 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2023

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.9251 of 2018

and

W.M.P.No.11059 of 2018

S.Poongodi

... Petitioner

Vs.

1. The District Collector,
Vellore District, Vellore.

2. The Revenue Divisional Officer,
Ranipet, Vellore District.

3. The Deputy Superintendent of Police,
Ranipettai, Vellore District.

4. The Tahsildar,
Arakonam Taluk Office,
Arakonam, Vellore District.

5. The Village Administrative Officer,
Vadamambakkam Village,
Arakonam Taluk, Vellore District.

6. The Executive Engineer O&M,
TANGIDCO, Arakonam,
Vellore District.

7. Thiru.E.Manoharan



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8. Tmt.Geetha Kuppan

... Respondents

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Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari, to call for the records of the 2nd respondent's proceedings bearing Na.Ka. A4/ 7225/ 2017 dated 26.03.2018, pertaining to the property measuring an extent of 0.17.0 Hectare comprised in Survey No.524/1 at Vadamambakkam Village, Arakonam Taluk, North Arcot District and quash the same.

For Petitioner : Mr.Shahul Hameed

For Respondents : Mrs.N.Senthil Selvi,
(for R1, R2, R4 & R5)

Mr.S.Sugendran, (for R3)

Mr.Mahusudanan, Senior Counsel for EB,
(for R6)

Mr.S.R.Karthikeyan (for R7)

No Appearance (for R8)

ORDER

The writ petition is filed challenging the order dated 26.03.2018 passed by the second respondent, pertaining to the property measuring an extent of 0.17.0 Hectare comprised in Survey No.524/1 at Vadamambakkam Village, Arakonam Taluk, North Arcot District and quash the same.



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2. The learned counsel for the petitioner submitted that the property in question is originally a decay land, which was assigned to the mother of the petitioner based on G.O.Ms.No.2485, Revenue Department, dated 09.11.1979. After 20 years, the mother sold the property in favour of the petitioner and based on that, she abstained the Pata. Subsequently, without the knowledge of the petitioner and without giving an opportunity of hearing to the petitioner, the Revenue Department included the name of the brother and sisters in the Patta and subsequently, again without giving opportunity, now they have cancelled the Patta and transferred it in the name of the mother, since she is the purchaser of the property and she is claiming right under the sale deed. Therefore, Patta has to be issued to the petitioner and the impugned order has to be set aside.

3. Learned counsel for the 7th respondent submitted that the 7th respondent had challenged the very same sale deed in favour of the writ petitioner before the competent Civil Court by filing a suit and the suit is pending. Further, he would submit that the mother executed the sale deed against public policy. One of the conditions in the assignment is that the assignee should not sell the property for 10 years. Even if she wanted to sell the property after 10 years, a prior permission is to be obtained from



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the Government. In this case, though the sale has taken place after 10 years, but the mother did not obtain prior permission from the Government to sell the property in favour of the petitioner.

4. Hence, the condition imposed in the assignment has been violated by the mother and therefore, it is under challenge before the competent Civil Court. Now, the petitioner is claiming right and title under the sale deed, and not under the assignment. Whether, the sale is valid or not, is under consideration before the competent Civil Court.

5. Under these circumstances, this writ petition stands dispose of. The petitioner is at liberty to work out her remedy before the Civil Court in the pending suit in the manner known to law. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

21.11.2023
(1/3)

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

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P.VELMURUGAN. J.,

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