



WEB COPY

WP No.11634 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08-08-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.11634 of 2021

V.Murugan

... Petitioner

Vs.

1.The District Collector,
Tirupattur District.

2.The Sub Collector,
Tirupattur District.

3.The Tahsildar,
Tirupattur District.

4.Bhalaji

[R-4 impleaded vide order of Court
dated 08.08.2023 made in WMP No.18457
of 2022 in WP No.11634 of 2021]

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to issue patta to the petitioner to his Natham land situated in S.No.179B/2A to the extent of



400 sq.ft., in Old Door No.2/69E and New Door No.2/122 at Pudupettai Village, Tirupattur Taluk and District by considering the petitioner representation dated 22.02.2021.

For Petitioner : Ms.S.Premakumari for
M/s.Karan and Uday.

For Respondents-1 to 3 : Mr.G.Krishna Raja,
Additional Government Pleader.

For Respondent-4 : Ms.V.Srimathi

ORDER

The relief sought for in the present writ petition is to direct the respondents to issue patta to the petitioner to his Natham land situated in S.No.179B/2A to the extent of 400 sq.ft., in Old Door No.2/69E and New Door No.2/122 at Pudupettai Village, Tirupattur Taluk and District by considering the petitioner representation dated 22.02.2021.

2. The petitioner states that he is in possession of the land in Survey No.179B/2A to the extent of 400 sq.ft., in Old Door No.2/69E and New Door No.2/122 at Pudupettai Village, Tirupattur Taluk and District.



The petitioner further states that he is in possession of the said land from the year 1974 onwards by paying House Tax Receipt, Electricity Charges etc.

The petitioner filed the present writ petition as if he is in occupation of the Natham land and paying property tax, electricity charges etc., and therefore, he is entitled for patta and holding a valid title.

3. The present writ petition has been filed under the pretext that the petitioner is the owner of the property and patta is to be granted in his name.

4. Per contra, the Tahsildar, Natrampalli Taluk, Tirupattur District filed counter-affidavit stating that the facts relating to the subject property. The subject property is a private property and the title and ownership regarding the subject property has been enumerated in the counter-affidavit elaborately. It is stated that the petitioner has approached the deceased Mr.Rajagopal with a request to him that he shall allow the writ petitioner to run 'Tea Shop' at the subject property for rent and for running the same, he has constructed a hut and started 'Tea Shop' in the subject property. After the demise of Mr.Rajagopal on 01.11.2009, the petitioner



had entered into a Rental Agreement with the original owners Smt.Padmavathi, Mr.Balaji and Mr.Kesavan for a monthly rent of Rs.750/- and paid an advance of Rs.10,000/-. During the relevant point of time, the petitioner's Tea Shop was got fired. Hence the petitioner requested the owners of the property for the construction of 'Tea Shop' with iron sheet in the same locality and that on 08.09.2010, the petitioner had executed a letter for the same to the owners. After that on 11.04.2011, the petitioner had executed a fresh Rental Agreement with the original owners Smt.Padmavathi, Mr.Balaji and Mr.Kesavan for running the Tea Shop. The petitioner is only a tenant in Survey No.179B/2A. The petitioner had no right, title or interest in the subject property. The petitioner is refusing to evict the property and claiming right over the property. Thus the petitioner is attempting to grab the property from the original owners.

5. The present writ petition has been filed suppressing all these material facts and in a fraudulent manner. The writ petitioner has not even impleaded the original owners namely Smt.Padmavathi, Mr.Balaji and Mr.Kesavan. When the petitioner has suppressed all material facts with an idea to grab the property from the original owners, he is liable for



committing fraud even before the High Court. Since the petitioner was a tenant and projected himself as the owner of the property and he is in occupation for several years.

6. Even on the earlier occasion, the petitioner filed WP No.8209 of 2021 seeking the relief to direct the respondents to consider the petitioner's representation dated 22.02.2021 and the said writ petition was dismissed as withdrawn on 31.03.2021 on the ground that the said writ petition is not complete with details.

7. When this Court has clearly mentioned that the earlier writ petition viz., WP No.8209 of 2021 was filed without complete details and granted liberty to file fresh writ petition. Even in the present writ petition, the petitioner has suppressed the fact regarding the ownership and not impleaded the original owners of the subject property.

8. In view of the fact that the petitioner has suppressed the entire material facts regarding the ownership of the subject property and filed the present writ petition projecting himself as the owner of the property,



he is not entitled for any relief and more-so, the petitioner is liable to be evicted from the subject premises.

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9. In view of the fact that the Authorities have conducted an enquiry regarding the status of the property and categorically found that Smt.Padmavathi, Mr.Balaji and Mr.Kesavan are the original owners of the subject property, the District Collector, Tirupattur District is directed to evict the petitioner and hand over the subject property to the original owners, within a period of eight weeks from the date of receipt of a copy of this order.

10. With the above directions, the present writ petition stands disposed of. However, there shall be no order as to costs.

08-08-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn



To

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2. The Sub Collector,
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3. The Tahsildar,
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S.M.SUBRAMANIAM, J.

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