



W.P.No.8254 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2023

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THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.8254 of 2015

and

M.P.No.1 of 2015

Muthi @ Muthammal

... Petitioner

Vs.

1. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
2. The Revenue Divisional Officer,
Thiruvannamalai.
3. The Thasildar,
Kalasapakkam Thasildar Office,
Kalasapakkam,
Thiruvannamalai District.
4. The Village Panchayat President cum
Executive Officer,
Kovilur Village Panchayat,
Kovilur,
Kalasapakkam Taluk,
Tiruvannamalai District.



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5. The Village Administrative Officer,
173, Kovilur Group,
Kalasappakkam Taluk,
Thiruvannamalai District.

6. The Horticulture Officer,
Department of Horticulture,
Collectorate, Thiruvannamalai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the third respondent dated 26.12.2014 vide No.Oo.Mu/7426/2014 passed by the third respondent and to quash the same and consequently direct the respondents to grant patta in favour of the petitioner.

For Petitioner : Mr.M.Saravanakumar

For Respondents : Mr.V.Veluchamy

Additional Government Pleader

ORDER

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, to call for the records of the third respondent dated 26.12.2014 vide No.Oo.Mu/7426/2014 and to quash the same and also to direct the respondents to grant patta in favour of the petitioner.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.



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3. Learned counsel for the petitioner submitted that the petitioner's mother executed a Will in favour of the petitioner. She has also been issued with patta. Subsequently, the respondents without giving any opportunity and also without considering the Will executed in favour of the petitioner, cancelled the patta and therefore, the same warrants interference.

4. A perusal of the impugned order makes it clear that the land in question is Anatheenam poramboke. Though patta was granted in the name of the petitioner based on the Will said to have been executed by her mother, the mother of the petitioner can not have any right or title over the property. Moreover, the petitioner has not produced any document to show that her mother is the owner of the property or at any point of time, the possession and enjoyment of her mother was recognized by the Government. Though it is stated by the petitioner that based on her right, title and possession over the property, her mother executed the Will in favour of her, she has not produced any patta or assignment that stand in the name of her mother. Since the land is an



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Anatheenam poramoboke land, the mother of the petitioner can not have any right to execute the Will or convey the subject matter of the property to the petitioner.

5. It is settled that the person who do not have any title in the property cannot convey better title to a third party. No records to show that the petitioner's mother was the owner of the property or she has the right or title over the property or she was in possession of the property to execute the said Will.

6. Under the above facts and circumstances, this Court does not find any perversity or erroneous in the impugned order and accordingly, the petitioner is not entitled to the relief as prayed for. Hence, the Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

16.11.2023

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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P.VELMURUGAN, J.

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