



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2023

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.29636 of 2023

and

W.M.P. No.29250 and 2023

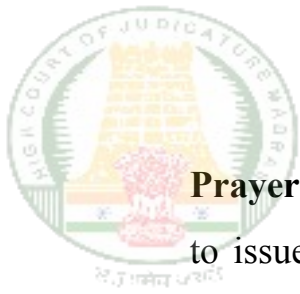
1. P.Kuppammal
2. A.Pavadaisamy

... Petitioners

Vs.

1. The District Collector
District Officer, Cuddalore
2. The Sub Collector
Cuddalore
3. The Tahsildar
Cuddalore Taluk, Cuddalore
4. The Chief Secretary and Commissioner of Land
Development
Chennai - 5
5. The Sub Registrar
Joint II, Sub Registrar Office
Cuddalore- 2
6. S.Subramanian
7. The Officer of the Inspector of Police Protecting
Law Grabbing,
Thirupapuliur
Cuddalore -2

... Respondents



Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, in view of the condition to the circular No.Na.Ka.7927/C1/2012 dated 13.06.2012 of the 5th respondent by calling for the records from the 5th respondent and quash the same and forbearing the 6th respondent from in any way interfering with the petitioners peaceful possession and enjoyment of the lands in New No.54/2, Old S.No.147/1 and 246/2, situated at Kumarapettai Village, Arisiperiankuppam Panchayat, Cuddalore District, measuring to an extent of 1 Acre each to the petitioners.

For Petitioner : Mrs.P.Kuppammal (Party in Person)

For R1 to R5 : Mr.J.Ravindran,
Additional Advocate General
Assisted by Mr.V.Veluchammy

For R7 : Mr.S.Sugendran
Additional Public Prosecutor

For R6 : Not ready in Notice

ORDER

The writ petition is filed seeking to issue a writ of Certiorarified Mandamus, in view of the condition to the circular No.Na.Ka.7927/C1/2012 dated 13.06.2012 of the 5th respondent by calling for the records from the 5th respondent and quash the same and forbearing the 6th respondent from in any way interfering with the petitioners' peaceful possession and enjoyment of the



lands in New No.54/2, Old S.No.147/1 and 246/2, situated at Kumarapettai Village, Arisiperiankuppam Panchayat, Cuddalore District, measuring to an extent of 1 Acre each to the petitioners.

2. Mr.J.Ravindran, learned Additional Advocate General Assisted by Mr.V.Veluchammy, submitted that the impugned circular is a general circular issued by the Government to the Registration Department wherein, it is directed that any document being presented before the Registration Department in violation of the conditional assignment, the same should not be registered and that the petitioners have no locus standi to challenge the said circular issued by the Government. Therefore, the writ petition is liable to be dismissed.

3. The petitioners appeared before this Court and stated that they are in possession of the subject property. The Government had assigned the said property to one Lakshmi and after 23 years from the date of assignment, the petitioners purchased the said property from the said Lakshmi and that they are in possession and enjoyment of the property and paying all the taxes for which, they have also obtained receipts. However, the 6th respondent with



connivance of the Government Officials, cut and removed all the trees in their land and now the 6th respondent is trying to put up plots and selling the same. Therefore, they seek direction forbearing the 6th respondent from in any way interfering with the peaceful possession and enjoyment of the petitioners' property.

4. Heard and perused the materials available on record.

5. It is seen than the petitioners have purchased the said property from one Lakshmi. But the fact remains that the said Lakshmi was only assigned permission to plant and grow trees and except that, no right and interest was given to the said Lakshmi. Though the petitioners said to have purchased the property from the Lakshmi, they petitioners are not able to produce any document to show that the said Lakshmi had alienable interest over the said property. Though the petitioners produced the copies of the tax receipts in the name of the Lakshmi and also in their names. without any title, mere payment of tax receipts will not create any title. Except the tax receipts, no other documents viz., title or patta or chitta is filed. Further it is seen that the petitioners had filed a suit in O.S.No.109 of 2014, on the file of the Principal



District Munsiff Court, Cuddalore, for declaration and also for injunction and the same was dismissed by judgment dated 22.07.2015. Thereafter, the petitioners have filed an appeal in A.S.No.41 of 2017, on the file of the First Additional Sub Court, Cuddalore, and the same was also dismissed by judgment dated 24.04.2017. Challenging the same, the petitioners filed a Second Appeal in S.A.No.598 of 2019 before this Court, and this Court dismissed the same by judgment dated 12.11.2019 since there was no substantial question of law emerged to be answered by this Court. Since the petitioners have lost their case before the Civil Court, they have approached this Court for the very same relief by way of writ petition.

6. However, the fact remains that the said circular is nothing to the with the petitioners and that the said circular will not applicable to the petitioners since the vender of the petitioners namely Lakshmi is not a conditional assignee. It is not the case of the petitioners that they presented a document for registration before the Registration Department and the same was returned by quoting the said circular. Under these circumstances the writ petition filed challenging the said circular is not maintainable.



7. As far as the relief of forbearing the 6th respondent from in any way interfering with the petitioners' peaceful possession and enjoyment of the land is concerned, already the petitioners have filed a suit and lost. Therefore, the petitioners are not entitled for the said relief.

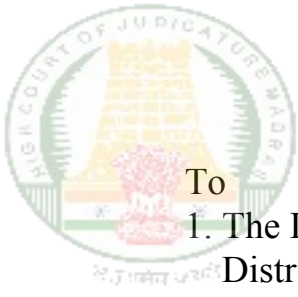
8. However, it is seen that the petitioners' vendor was in possession and enjoyment of the property and thereafter, the petitioners are in possession and enjoyment of the said property and they are also paying the taxes. Therefore, the petitioners are at liberty to approach the Tahsildar/3rd respondent herein to get patta in their names.

9. In case the petitioners make any representation for issuance of Patta, the Tahsildar/3rd respondent shall consider the same and pass orders on merits and in accordance with law, after issuing notice and giving opportunity of hearing to the petitioner, 6th respondent herein and interested parties/rival claimants if any as the case may be.

10. With the said liberty, this Writ Petition is dismissed. There shall be no order as to the costs.

12.12.2023
(2/2)

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



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P.VELMURUGAN. J.

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