



WEB COPY

W.P. No.30936 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2023

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.30936 of 2022

A.Mani

... Petitioner

Vs.

1. The District Revenue Officer
Nilgiri District
The Nilgiris

2. The Revenue Divisional Officer
Udhagamandalam Division
Nilgiri District

3. The Tahsildar
Udhagamandalam Taluk
Nilgiri District

4. Sivalingam

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue writ of Certiorarified Mandamus calling for the records of the first respondent dated 30.08.2022 bearing No.Na.Ka.U6.No.11327/2018 and to quash the same as illegal and to direct the third respondent to issue patta for 0.03 cents in S.No.H/5/37/2.



For Petitioner : Mr.S.Elambharathi

For R1 to R3 : Mr.R.Ramanlaal
Additional Advocate General
assisted by Mr.R.P.Murugan Raja
Government Advocate

For R4 : Mr.R.Subramanian

ORDER

This Writ Petition is filed seeking for a writ of Certiorarified Mandamus calling for the records of the first respondent dated 30.08.2022, bearing No.Na.Ka.U6.No.11327/2018 and to quash the same as illegal and also to direct the third respondent to issue patta for 0.03 cents in S.No.H/5/37/2.

2. The case of the petitioner is that the petitioner purchased the property of an extent of 3 cents in R.S.No.586/4 and was in possession and enjoyment of the same. The petitioner also inherited 3 cents of land from his father. On the request of the petitioner, the 3rd respondent sub divided and issued Patta for 3 cents of his father as S.No.H/5/34 and for the 3 cents purchased by him as H/5/37/2. Challenging the said sub division made by the



3rd respondent, the 4th respondent filed a petition before the 2nd respondent and the 2nd respondent cancelled the Patta issued in favour of the petitioner and the same was also confirmed by the 1st respondent by the impugned order dated 30.08.2022. The contention of the petitioner is that the 1st respondent failed to take note of the fact that the 2nd respondent has cancelled the Patta without application of mind and therefore, the impugned order is liable to be set aside.

3. Mr.R.Ramanlal, learned Additional Advocate General, assisted by Mr.R.P.Murugan Raja, learned Government Advocate, submitted that earlier the petitioner filed a suit for permanent injunction and got an ex-parte decree. Thereafter, the private respondent/4th respondent herein filed a suit for permanent injunction against the petitioner. In the said suit, though the petitioner claimed 6 cents, the Court granted relief to the petitioner for 3 cents alone. Subsequently, suppressing the same, the petitioner got the lands sub divided and obtained Patta against which, the 4th respondent filed an application before the 2nd respondent to cancel the Patta granted in favour of the petitioner for the 3 cents. The 2nd respondent, after conducting enquiry, cancelled the Patta and the same was confirmed by the 1st respondent on



appeal. He submits that as per the sale deed and decree, the petitioner is only entitled to 3 cents in R.S.586/4 which was resurveyed and assigned H/5/34.

Since the petitioner is only entitled to 3 cents he is not entitled to get the relief sought for. He also produced the Town Survey Map and submitted that even as per the Patta in Page 60 of the typed set, Patta No.GR1339, Town Survey No.H/5/34 has not been cancelled by the impugned.

4. Heard both sides and perused the materials available on record.

5. Admittedly, the petitioner purchased 3 cents in R.S.No.586/4. Though he claimed Patta for 6 cents, the sale deed is in respect of 3 cents. The said 3 cents of land was sub divided and re-survey number was allotted as S.No.H/5/34. Therefore the petitioner is entitled to get patta only for 3 cents and not beyond that.

6. The respondents are directed to issue Patta to the petitioner in respect of H/5/34 for the extent of 3 cents.



7. With the above directions, the Writ Petition is dismissed. There shall be no order as to the costs.

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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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