IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30.10.2023

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.30523 of 2023
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M.Valarmathi .. Petitioner

Vs.

1. The District Collector,
   Collectorate, GST Road,
   Chengalpattu District-603 001.

2. The Thasildar,
   Cheyyur Taluk Office,
   Cheyyur Taluk,
   Tamil Nadu - 603 302.

3. The Revenue Divisional Officer,
   VOC Nagar,
   Chengalpattu,
   Ammanambakkam-603 001.

4. Ramasamy .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the second respondent to issue Patta in petitioner's name in respect of property comprising in S.F.No.68/4, measuring an extent of 24 cents after selling the property of 0.03 cent out of 0.27 cent to one Angambaram Nayakar located at Chengalpattu District, Cheyyur Taluk, Cheyyur Sub-Registry, Koovathoor Municipal Corporation No.106, Keelllar Kollai village, by considering the petitioner's representation dated 29.09.2023 within a stipulated period as may be fixed by this Court.

For petitioner : Mr.R.Vinoth Kumar
For respondents: Mr.Yogesh Kannadasan, Spl.G.P.

ORDER

The petitioner has filed the present Writ Petition praying for issuance of a Writ of Mandamus to direct the second respondent to issue Patta in petitioner's name in respect of property comprising in S.F.No.68/4, measuring an extent of 24 cents, after selling the property of 0.03 cent out of 0.27 cent to one Angambaram Nayakar, located at Chengalpattu District, Cheyyur Taluk, Cheyyur Sub-Registry, Koovathoor Municipal Corporation No.106, Keelllar Kollai village, by considering the petitioner's representation dated 29.09.2023 within a stipulated period as may be fixed by this Court.

2. The averments in short made by the petitioner, are as follows:

(a) The petitioner had purchased the property by registered sale deed in No.2492 of 2022, dated 28.06.2022 from the legal heirs of Sheelan Nayakar (late), who had the absolute ownership and exclusive rights over the property bearing Survey No.68/4. The petitioner has got absolute and exclusive title over the said property after purchasing the same. He was put in possession and enjoyment of the said property from the date of purchase. Patta was also granted to the petitioner's vendor/Sheelan Nayakar (late), vide Patta No.60 in S.R.No.68/4 of an extent of 24 cents. Even after purchase of the said property, the patta remained in the name of the verndor/Sheelan Nayakar (late) with Patta No.60.

(b) While that being so, on 26.12.2022, one Ramasamy/4th respondent filed a petition before the office of the Commissioner of Revenue as under G.O.No.644, Revenue and Disaster Management Department, Survey and Settlement Wing (SS-II(2)) Section to cancel the survey Filed No.68/4 belonging to the petitioner by virtue of sale deed dated 28.06.2022 and this petition was accepted erroneously without conducting any enquiry or notice to the petitioner.

(c) Subsequently, S.F.No.68/4 belonging to the petitioner was changed into Welfare land in the land records of the Department of Survey and Settlement. The fourth respondent does not possess any right, title, ownership or interest over the said property. Without any opportunity or intimation or prior notice, the said S.F.No.68/4 was changed to welfare land from Maanavari land.

(d) The petitioner enclosed E.C. copy, his registered sale deed, dated 28.06.2022 and requested the second respondent to issue a fresh Patta to the petitioner in respect of his property. The said request was rejected by the second respondent. Thereafter, the petitioner sent a representation letter dated 29.09.2023, but the grievance of the petitioner is that the relief sought for by the petitioner has not been granted.

(e) According to the petitioner, as per Section 5 of the Tamil Nadu Patta Passbook Act, the registration authority shall not register any document in relation to transfer of any land by sale, gift, mortgage, exchange, settlement or other suit, unless the patta passbook relating to such land is produced before such registration authority. The property in question absolutely belongs to the petitioner and there is no encumbrance in his property.

(f) Even the approach of the petitioner under the Right to Information Act, did not fructify his relief. Hence, the petitioner has approached this Court. The petitioner requested for agricultural loan in the Co-operative Society Bank for cultivating crops in the said property, as it was the suitable period to grow crops in that land. But at this juncture only, the petitioner came to know that the patta was changed as narrated above.

3. It is the grievance of the petitioner that without giving any notice or opportunity of hearing or intimation, the Revenue authority arbitrarily has taken a stand and they have not rectified. Hence, the official respondents are directed to consider the representation dated 29.09.2023 of the petitioner, and after giving an opportunity of hearing to the petitioner and also rival claimants, if any and also the fourth respondent, and after conducting such enquiry, necessary orders be passed in the manner known to law and on merits and dispose of the

said representation accordingly.

4. With the above directions, the Writ Petition is disposed of. There shall be no order as to costs

30.10.2023

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To

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   Cheyyur Taluk,
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