



W.P.No.30552 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.10.2023

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.30552 of 2023

and

W.M.P.No.30181 of 2023

V.Kavitha

... Petitioner

Vs.

1. The District Collector,
Tiruppur District,
Tamil Nadu.
2. The Revenue Divisional Officer,
Udumalpet Taluk,
Tiruppur District.
3. The Tahsildar,
Udumalpet Taluk,
Tiruppur District.
4. The Revenue Inspector,
Kurichikottai,
Udumalpet Taluk,
Tiruppur District.
5. The Village Administrative Officer,
Andiagoundanoor-2 Village,
Udumalpet Taluk,
Tiruppur District.



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6. R.Jaswant Kannan
Revenue Divisional Officer,
Udumalpet Taluk,
Tiruppur District.

7. S.Manoj Prabhakaran
S/o, Selvam,
Village Administrative Officer,
(Moongiltholuvu village),
Thottachu Salai,
Elayamuthur Village,
Udumalpet Taluk,
Tiruppur District.

8. R.Krishnaswamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 2,6 & 7 from cancelling the pattas of the petitioner in Patta Nos.2377, 2464, 2466, 2463, 2460, 2465, 2652, 2573, 2574, 2568, 2678, 2672, 2671, 2681 and 2696 without giving an opportunity of personal hearing to the petitioner as per the provisions of Tamil Nadu Patta Pass Book Act, 1893 and its Rules 1987.

For Petitioner : Mr.K.Selvaraj

For R1 to R7 : Mr.V.Veluchamy
Additional Government Pleader



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ORDER

This Writ petition has been filed to issue a Writ of Mandamus, forbearing the respondents 2, 6 & 7 from cancelling the pattas of the petitioner in Patta Nos.2377, 2464, 2466, 2463, 2460, 2465, 2652, 2573, 2574, 2568, 2678, 2672, 2671, 2681 and 2696 without giving an opportunity of personal hearing to the petitioner as per the provisions of Tamil Nadu Patta Pass Book Act, 1893 and its Rules 1987.

2. Learned counsel appearing for the petitioner submitted that the petitioner purchased the property measuring an extent of 0.69 acres in Survey No.872/4 in patta No.561 at Andiagoundanoor Village-II, Udumalpet Taluk Tiruppur District from one Thurman and Arumugam vide registered sale deed dated 14.10.2019 on the file of the Sub-Registrar, Udumalpet. Patta has also been changed in her name and she was in possession and enjoyment of the property. Since the petitioner is an agricultural graduate, she has developed a new variety of coconut trees which will be matured within 18 months. The petitioner has



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purchased some properties vide registered sale deed dated 28.04.2023 and the same were also registered as Doc.No.4909 of 2023 on the file of Sub Registrar, Udumalpet. The eighth respondent who is a local political person demanded her properties at free of cost. Since the petitioner refused the illegal demand made by the eighth respondent, the eighth respondent lodged a false complaint before the second respondent as against the petitioner through his neighbours, as if the petitioner had illegally purchased the abovesaid properties. The second respondent after enquiry closed the complaint as false. Thereafter, the eighth respondent colluded with the respondents 2, 5, 6 and 7 instigating them to cancel the petitioner's patta. The petitioner and other agriculturalists formed an association called Jambukallu Vivasaigal Sangam to protect their respective lands from the land grabber, the eighth respondent herein. They have made a representation dated 07.08.2021 to the first respondent. Till now no action has been taken by the respondents so far. Hence the writ petition.



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3. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the official respondents and perused the materials available on record.

4. It is the contention of the petitioner that she purchased the property under the sale deed dated 14.10.2019 and also purchased other properties on 28.04.2023 and the pattas have also been issued in her name. The petitioner herself admitted that the eighth respondent made a complaint as against the petitioner, before the second respondent and the same was closed.

5. Admittedly the pattas were stood in the name of the petitioner. The official respondents have neither issued any notice to the petitioner for enquiry nor passed any adverse order for cancellation of patta. Hence, there is no cause of action arising for the petitioner to file the present writ petition. The petitioner has to workout her remedy in the manner known to law by filing a civil suit to establish her possession. If any physical violence is made by the eight respondent as against the petitioner, she can lodge a complaint before the police.



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6. In view of the above, the writ petition is not maintainable and the same is dismissed. No costs. However, the petitioner is at liberty to work out her remedy in the manner known to law before appropriate forum. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

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P.VELMURUGAN, J.

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