



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.06.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.3301 of 2022
and
W.M.P.(MD)No.2900 of 2022

Krishnan Chettiar
represented through his Power Agent,
Veeraiyan.

... Petitioner

vs.

1.The District Collector, Trichy.

2.The District Revenue Officer, Trichy.

3.Palani Kumar,
District Revenue Officer, Trichy.

4.The Revenue Divisional Officer,
Revenue Divisional Office,
Trichy.

5.The Tahsildar,
Thiruverumbur, Trichy.

6.Natarajan
7.Hemalatha

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to withdraw the proceedings pending in Na.Ka.A6/32932/2021 on the file of the second respondent and to entrust the same to some other officer to conduct and complete the proceedings under Patta Pass Book Act in accordance with law by considering the petitioner's representations, dated 15.02.2022 and 16.02.2022.

For Petitioner	:Mr.R.Gandhi Senior Counsel for Mr.V.Vishnu
For R1, R2, R4 and R5	:Mr.J.Ashok Additional Government Pleader
R3	:No Appearance
R6 and R7	:Ms.A.L.Gandhimathi Senior Counsel for Mr.I.Vel Pradeep *****

ORDER

This Writ Petition has been filed by Krishnan Chettiar son of Late Nagappa Chettiar, in the nature of a Mandamus seeking a direction to the first respondent/District Collector, to withdraw proceedings pending in Na.Ka.A6/32932/2021 on the file of the second respondent, District Revenue Officer and to entrust the same to any other officer and complete the proceedings which had been initiated under the provisions



of the Tamil Nadu Patta Passbook Act. The petitioner had given representations on 15.02.2022 and 16.02.2022 in this regard.

2.Heard Mr.R.Gandhi, learned Senior Counsel assisted by Mr.V.Vishnu, learned Counsel for the petitioner, Mr.J.Ashok, learned Additional Government Pleader for the first, second fourth and fifth respondents and Ms.AL.Gandhimathi, learned Senior Counsel for Mr.I.Vel Pradeep, learned Counsel for the sixth and seventh respondents.

3.It is commonly represented by the learned Senior Counsels and the learned Additional Government Pleader that the said District Revenue Officer/second respondent had passed final orders on 18.03.2022, which is the subject matter of challenge in W.P.(MD)No.5354 of 2022, not by Krishnan Chettiar, the Writ Petitioner herein, but by another individual, Thulsidas K.Patel.

4.It had been alleged in the affidavit filed in support of this Writ Petition that the petitioner herein was appointed as Power of Attorney under a registered deed of General Power of Attorney, dated 02.11.2012



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registered as Doc.No.515/2012 with respect to the lands measuring 70 cents out of a total extent of 1 acre 70 cents in S.No.32/5, Thiruverumbur, Thiruchirappalli District.

5.The writ affidavit had been sworn by the Power of Attorney Agent. He claimed that after he was so appointed as Power of Attorney Agent, he had sold the land measuring 70 cents to one Mallika Patel for valuable consideration under a registered sale deed dated 11.11.2014 registered as Doc.No.6018/2014 in the office of the Sub Registrar, Thiruverumbur, Tiruchirapalli. He contended that the Tahsildar, Thiruverumbur, had issued summon to the principal, Krishnan Chettiar to appear on 18.02.2013 for an enquiry. The Principal participated in the enquiry. Thereafter, patta was also issued in the name of the Principal/Krishnan Chettiar.

6.After several years, in fact, after nearly seven years, the sixth and seventh respondents in the Writ Petition, Natarajan son of R.K.Kandasamy and his wife Hemalatha had filed a complaint before the District Registrar and before the Anti Land Grabbing Cell in Trichy



claiming that they are the owners of the property and that the property had been transferred in favour of Mallika Patel through falsification of documents.

7.It had also been stated that the deponent of the affidavit had filed O.S.No.732 of 2020 before the Subordinate Court at Trichy questioning the order passed by the District Registrar. It had also been stated that the sixth and seventh respondents had also filed an application before the Tahsildar for cancellation of patta, which had been granted in favour of Krishnan Chettiar. It had been contended that steps have been initiated before the revenue authorities even during the pendency of O.S.No.732 of 2020. Thereafter, the fourth respondent had issued summons to the deponent of the affidavit in the Writ Petition, on 15.09.2021, purportedly, under Section 12 of Tamil Nadu Patta Passbook Act. He had appeared before the fourth respondent/Revenue Divisional Officer.

8.The petitioner had earlier filed W.P.(MD)No.19546 of 2021 seeking documents. Thereafter, the fourth respondent had passed an order stating that all issues relating to the patta can be taken after the disposal



of the civil suits. Questioning that particular order of the fourth respondent/Revenue Divisional Officer, the sixth and seventh respondents had filed a revision before the District Revenue Officer.

9.While the matter was pending enquiry before the Revenue Divisional Officer, it had been stated that the said official, namely, the District Revenue Officer had openly expressed his opinion that he would pass orders adverse to the Writ Petitioner and therefore, claiming that there were some undue influence exerted by a politician, whose name has not been disclosed in the affidavit, the Writ Petition has been filed seeking to withdraw the proceedings from the file of the second respondent/District Revenue Officer and to post it to some any other officials.

10.But, as stated, the District Revenue Officer has now passed orders. Questioning that order on the ground of *mala fide* as also on other grounds, W.P.(MD)No.5354 of 2022 had been filed by another individual, Thulsidas K.Patel.



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11.In view of that particular fact, no further orders are required to be passed in this particular Writ Petition as orders had actually been passed by the District Revenue Officer and there are no records to show that the Writ Petitioner herein, Krishnan Chettiar had taken up the issue further.

12.The Writ Petition therefore stands dismissed as having become infructuous. No costs. Consequently, connected miscellaneous petition is closed.

Index :Yes / No

Internet :Yes

NCC : Yes/No

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To

1.The District Collector, Trichy.

2.The District Revenue Officer, Trichy.

3.Palani Kumar,
District Revenue Officer, Trichy.

4.The Revenue Divisional Officer,
Revenue Divisional Office,
Trichy.

5.The Tahsildar,
Thiruverumbur, Trichy.

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21.06.2023

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C.V.KARTHIKEYAN, J.

cmr

Order made in
W.P.(MD)No.3301 of 2022

21.06.2023
(1/3)