



W.P.(MD) No.5501 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.03.2023

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

**W.P.(MD) No.5501 of 2020
and
W.M.P.(MD) No.4798 of 2020**

G.Prakash

... Petitioner

/vs./

1.The District Revenue Officer,
Karur District,
Karur.

2.The Revenue Divisional Officer,
Karur,
Karur District.

3.The Revenue Tahsildar,
Karur, Karur District.

4.Ammaiappan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the 1st respondent pertaining to the impugned order in Na.Ka.No.C3/3453/2013 dated 02/11/2019 and quash the same as illegal and arbitrary and consequently direct



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the 1 to 3 respondents to issue separate patta in the name of G.Prakash and Ayannar with regard to bearing in Survey Nos.379/1A, 379/1B, 379/1C, total extent as 87½ cents which is situated at Inam Karur, Karur Taluk, Karur District.

For Petitioner : Mr.A.D.Ganeshamoorthi
For R1 to R3 : Mr.A.Sivanupandian
Government Advocate
For R4 : Mr.G.V.Vairam Santhosh

ORDER

The above writ petition is filed for the issue of a Writ of Certiorarified Mandamus calling for the records of the first respondent pertaining to the impugned order in Na.Ka.No.C3/3453/2013 dated 02/11/2019, quashing the same as illegal and arbitrary and consequently directing the respondents 1 to 3 to issue separate patta in the name of G.Prakash and Ayannar with regard to S.Nos. 379/1A, 379/1B and 379/1C, total extent of 87½ cents situated at Inam Karur, Karur Taluk, Karur District.

2.The case of the petitioner is that he along with one Ayyanar had purchased the property in S.Nos.379/1A, 379/1B and 379/1C, measuring an extent of 87½ cents, at Inam Karur, Karur District, under a registered sale deed dated 10.10.2011 from one Palanisamy. From the date of the purchase, they have



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been in possession and enjoyment of the property. It is his case that the larger extent of the property measuring an extent of 9 acres and 82 cents belonged to the Kalyana Pasupathy Easwarar Temple. In the year 1987, the respondents 1 and 2 had acquired the same for a public purpose of forming the Highways. The Revenue Department had only acquired 2 acres and 17 cents leaving behind 7 acres and 65 cents as vacant. It is his case that the third respondent had earlier issued patta in patta No.1417 in the name of Duraisamy and others.

3.The petitioner would submit that he had purchased only 87½ cents out of 7 acres and 65 cents from Palanisamy and others and on the basis of the sale deed, the third respondent has issued joint patta in Patta No.4194 along with 30 others. The petitioner would further submit that the fourth respondent had filed an appeal against this grant of patta and sought to cancel the patta. This appeal was allowed by judgment dated 13.03.2002, as against which the petitioner's vendor and others had preferred an appeal before the first respondent. The first respondent has also dismissed the appeal filed by the petitioner's vendor, removed the names of all the other persons and assigned exclusive patta to the fourth respondent. Aggrieved by the same, the petitioner is before this Court.



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4.The fourth respondent has filed a counter affidavit. He would submit that the property in S.No.379, measuring an extent of 9.82 acres, belonged to Pasupatheeswarar Temple and after the enactment of Inam Abolition Act, 1962 and the survey conducted thereon, patta in patta No.278 was issued in his favour for the entire extent of the land. In 1988, the lands were acquired for forming the Highway and 2.17 acres out of 9.82 acres were acquired for the said purpose. It is at that point of time that the Tahsildar appears to have wrongly issued a joint patta in S.No.379 to the strangers in the year 1989 and that too after the initiation of the acquisition proceedings. Since serious disputes arose with reference to the ownership, the matter was refereed to the Subordinate Judge, Karur in L.A.O.P.No.6 of 1988.

5.The learned Judge by his judgment dated 25.08.2000 has held that the joint patta issued by the Tahsildar was not valid and that the fourth respondent was the absolute owner of the entire extent of the land comprised in S.No.379. The petitioner's vendor is a party to the proceedings. As against this judgment, they had preferred appeals in A.S.Nos.102 of 2000 and 18 of 2001 on the file of the District Court, Karur.



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6.The appeal was dismissed by judgment and decree dated 08.11.2001 confirming the absolute right of the fourth respondent to the property. Against this judgment and decree, the petitioner's vendor had preferred S.A.No.42 of 2002 on the file of this Court. This second appeal has also been dismissed by this Court on 10.03.2011. SLP (C) No.782 of 2012 filed against the said judgment has also been dismissed followed by a review petition in Rev.P.No.2326 of 2012. Meanwhile, since there was interference with the possession, the fourth respondent had filed a suit O.S.No.283 of 1996 against the vendor of the petitioner for bare injunction, which was decreed and the appeal preferred in A.S.No.95 of 2001 was also dismissed.

7.The Tahsildar after the judgment and decree in O.S.No.373 of 1995 had deleted the wrongly included names of the persons and restored the patta in the name of the fourth respondent, which is confirmed by the Revenue Divisional Officer by his proceedings dated 13.03.2002. A revision was also prepared to the District Revenue Officer and the District Revenue Officer has ordered that *status quo* to be maintained till the disposal of S.A.No.42 of 2002.



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8.After the dismissal of S.A.No.42 of 2002 right up to the Hon'ble Supreme Court, the revenue authorities have included the name of the petitioner. Further, the sale in favour of the petitioner was effected, when the title of the fourth respondent had been declared in A.S.No.18 of 2001. Proceedings were therefore initiated. The fourth respondent had prepared a complaint to set aside the sale deed registered in the name of the petitioner and others. By order dated 26.09.2022, the said document is held to be void.

9.Heard the learned counsels appearing on either side.

10.From a perusal of the counter and the order of the District Registrar, Karur, dated 26.09.2022 as also the learned Judicial Magistrate No.1, Karur, in R.C.S.No.133 of 2021 and the discussion herein above, it is clearly evident that the petitioner has no right to the said property and consequently, the Writ Petition seeking to quash the order of the first respondent is without any basis and is liable to be dismissed.



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11.In the result, the Writ Petition is dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

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To

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P.T.ASHA, J.

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