



W.P.(MD)No.20174 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.20174 of 2021

Ram Mohan

... Petitioner

Vs

1.The District Collector,
Trichy District,
Trichy.

2.The District Revenue Officer
Trichy District,
Trichy.

3.The Revenue Divisional Officer,
Trichy,
Trichy District.

4.The Thasildhar
Thiruverumbur Taluk,
Trichy District.

5.Balu

6.Thuvan Meera

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent to consider the representations dated 22.09.2014 17.02.2015 and 10.11.2020 to cancel the alleged issued by the respondent 2 and 3 in favour of the respondents 5 and 6 in Patta Nos. 985 and 987 in Survey No.201/38 situated at Pappakurichi Village, Trichy District and issue patta in petitioner's favour and other legal heirs of petitioner's mother Santha.

For Petitioner : Mr.T.Lenin Kumar

For R-1 to R-4 : Mr.B.Saravanan,
Additional Government Pleader

For R-5 & R-6 : Mr.C.Dhanaseelan

ORDER

This Writ Petition has been filed for the issue of writ of mandamus directing the second respondent to consider the representation made by the petitioner, wherein, the petitioner is seeking to cancel the patta issued in favour of the fifth and sixth respondents in Patta Nos.985 and 987 with respect to the subject property in Survey No.201 / 38 situated at Pappakurichi Village, Trichy District and to issue patta in favour of the petitioner and the other legal heirs of the mother of the petitioner.



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2. The specific case of the petitioner is that the subject property originally belonged to his mother Santha and she purchased Plot Nos.121 and 106 through Document No.991 of 1968, dated 03.05.1968. The family members had settled for some time at Chennai for job and when they returned back, they found that the fifth and sixth respondents had removed the fence and they have also got patta in their names with respect to the subject property. The mother of the petitioner was making repeated representations seeking for cancellation of the patta issued in favour of the fifth and sixth respondents.

3. The mother of the petitioner died on 06.01.2020 leaving behind the petitioner and other legal heirs. The petitioner, thereafter, started following up with the representations. Since the same did not evoke any response, the present Writ Petition has been filed before this Court.

4. The fourth respondent has filed a counter affidavit and the relevant portions in the counter affidavit are extracted hereunder:

“4. It is submitted that to the claim and contention of the Petitioner in Para 2 of the Affidavit, he is put to strict proof. In this



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connection it is stated that the Jurisdictional V.A.O., namely Pappakurichi Village in his deposition before the Revenue Inspector, Vengur Firca has stated that the Survey No. 201/21 admeasuring an extent of 0.03.0Ares, as mentioned by the Petitioner in the above Writ Petition has been registered in the Village Accounts, namely in the 'A' Register under Patta No.2526, in the name of one R.Palani and R.Lakshmanan. Furthermore as per UDR Chitta, the corresponding Natham New Survey No.201/38 admeasuring an extent of 0.00.92Ares has been registered in the name of one Thuvan Meera, W/o.Sheik Abdul Kadhar and also in the Village Natham Adangal under Patta No.985. During the Field Inspection, the V.A.O. has found that there are two tiled houses on Boosthuthi in the demised property. Hence the contra contentions in this regard are all denied.

5. It is submitted that the allegations attributed in Para 3 of the Affidavit as against the respondents 1 to 4 to the effect that they have converted the land of the Petitioner as Natham land and thereafter issued patta to the respondents 5 and 6 are all stoutly and emphatically denied as false and frivolous in each



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and every particular. As already reiterated the Survey No.201/21 as per Pappakurichi Village 'A' Register is in the name of R.Palani and R.Lakshmanan under Patta No.2526. Likewise for the corresponding above Survey No.201/21, namely 201/38, UDR Chitta is in the name of one Thuvan Meera and Natham Adangal also reflects her name,

5. The fifth and sixth respondents have filed independent counter affidavits. The fifth respondent has laid his claim with respect to Plot No.105, which is not even the subject property in this Writ Petition and therefore, the fifth respondent claimed that he is an unnecessary party in this Writ Petition. Insofar as the sixth respondent is concerned, she is claiming right over Plot No.106. This is one of the plot which is the subject matter in this Writ Petition. Hence, the claim made by the sixth respondent in the counter affidavit is extracted hereunder:

“3. I submit that the petitioner has filed the above writ petition challenging the Patta granted in Plot No.106 of Sy. No.201, Pappakuruchi Village, Thiruvarumbur Taluk (originally Tiruchy Taluk), Tiruchirappali District. I am residing in Plot No.106 for the last 25 years and have



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constructed small house with tiled roof. I submit that I purchased the property from Mr.Chandran S/o- Perumal pillai, and he was in possession and enjoyment of the same residing there for the last 30 years when I purchased property from him. I submit that out of a impecunious circumstances I could not register the sale deed dated 29.03.1997.

4. I submit that the petitioner has given the representation as mentioned in the petition against me as if I have encroached their property in Plot No. 106. The Assistant Commissioner Ariyamangalam Divison of Tiruchirappalli Corporation issued notice dated 8.7.2014 calling upon me and other 2 persons to appear for enquiry on 18.7.2014. As a result of it, I appeared for enquiry and produced the copy of Patta issued to my vendor Mr.Chandran for Plot No.106 and produced the copy of Patta No. 2585 dated 30.03.1992, issued under the Natham Settlement Scheme by the Special Thasildhar Trichirapalli, other records such as House Tax receipt and Electricity bill towards my possession and enjoyment of the said property and the small house unit. The Assistant Commissioner, Ariyamangalam Division, Tirchirappalli



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Corporation and the Tahsildar of Tiruvarumbur Taluk conducted enquiry and visited the place and convinced of our lawful possession and enjoyment and the Patta granted to my vendor Mr.Chandran.

5. I submit that according to any information the entire property in Sy. No.201 belongs to the Wakh Board and the same was in possession and enjoyment of the lessees. In olden days so many ternaries were situated in that place and the workers in the ternaries were allowed to occupy the land by the lessees and by their successors-in-interest. In due passage of time, it has become a residential area of poor people and the ternaries business has completely vanished. The Government has brought the land under Natham Settlement Scheme and House Site Patta has been granted to person residing in their respective area of occupation. Accordingly, my vendor has been granted the above said Patta for the land in Plot No. 106 identified and sub-divided as Sy.No.201/41 (old Sy.No. 201/23-Part), In olden days there has been conveyances of such a land and registration of sale deeds. But we understand that the Wakh Board has filed a writ petition before Principal Bench of High Court of



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Madras, and has obtained stay order against the registration of sale deeds or other conveyances in the said Sy.No.201 and due to the this fact the persons already in occupation of the property continues to occupy the same.

6. I submit that neither the petitioner nor her mother Santha was never in possession and enjoyment of any place in the said Survey No.201. The petitioner's claim that they have purchased plot No.121 & 106 in the said Sy.No.201 as per sale deed dated 13.05, 1968 is nothing to do with my possession and enjoyment in our individual right followed by my vendor Mr.Chandran. There is no illegality in granting of Natham Settlement Patta to my vendor by the Government. Neither myself nor my vendor never encroached Plot No. 106 by destroying or otherwise the fence alleged to have put by the Writ Petitioner or his mother. They never possessed or enjoyed the property at any point of time. There is no merit in the writ petition."

6. Heard the learned counsel on either side.



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7. In the instant case, the respondents have taken a stand that a natham settlement patta was granted in favour of the fifth and sixth respondents by the Government. It is also clear from the counter affidavit filed by the fourth respondent that the patta was not granted in favour of fifth and sixth respondents under the UDR Scheme. The petitioner is proceeding further in the case as if there was a mistake in the UDR Scheme and as a result, the name of the fifth and sixth respondents were added in the revenue records and patta was given to them. However, it is clear that the names of the fifth and sixth respondents were not added during the UDR Scheme and that an independent patta was given in their favour by the Government.

8. In view of the above, no useful purpose will be served in directing the second respondent to conduct the enquiry in this case. The issue now boils down as to who has the right and title over the subject properties in Plot Nos.121 and 106. This issue cannot be gone into by the second respondent and the petitioner has to necessarily approach the competent Civil Court and work out his remedy along with all the other



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legal heirs of late Santha. Except giving this liberty to the petitioner, no further orders can be passed in this Writ Petition.

9. This Writ Petition is disposed of in the above terms. No costs.

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NCC:yes/no

Index:yes/no

Internet:yes/no

tsg

To

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