



WEB COPY



W.P. No. 7654 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 7654 of 2024

and

W.M.P. Nos. 8569 and 8571 of 2024

D.Rameshkumar

... Petitioner

-VS-

1. The District Collector
Cuddalore District
Cuddalore.
2. The Block Development Office
Kurinchipadi Taluk
Cuddalore District.
3. The Tahsildar
Kurinchipadi Taluk
Cuddalore District.
4. The Panchayat President
Vadakkuthu Village
Kurinchipadi Taluk
Cuddalore District.

5. Rangarajan

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order in Na.Ka. No. A8/28/2024 dated 26.02.2024 passed by the Second Respondent holding that the Petitioner has not title and



W.P. No. 7654 of 2024

quash the same and direct the Third Respondent to issue patta in favour of the Petitioner in Survey No. 463/18 (Old Survey No. 15/1A1A), Plot No. 166, at measuring 1616 sq.ft. situated at Thanthi Periyar Nagar, Vadakkuthu Village, Kurinchipadi Union, Vadalur, Cuddalore District based on Petitioner's title under Sale-Deed dated 27.09.2023 in Document No. 3510 of 2023 on the file of the SRO, Vadalur, as per Petitioner representation dated 23.12.2023 to the Third Respondent.

For Petitioner : Mr. S.Satheeshkumar

For Respondents : Mr. S.J.Mohamed Sathik, GA (RR1 & 3)

Mr. S.Jayachandran (RR2 & 4)

ORDER

Heard Mr. S.Satheeshkumar, Learned Counsel for the Petitioner, Mr. S.J.Mohamed Stahik, Learned Government Advocate who takes notice for the First and Third Respondents and Mr. S.Jayachandran, Learned Counsel who takes notice for the Second and Fourth Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed challenging the Order in Na. Ka. No. A8/28/2024 dated 26.02.2024 passed by the Second Respondent holding that the Petitioner has no title in respect of the property in Survey No. 463/18 (Old



W.P. No. 7654 of 2024

Survey No. 15/1A1A), Plot No. 166, Thanthi Periyar Nagar, Vadakkuthu

Village, Kurinchipadi Union, Vadalur, Cuddalore District and to consequently direct the Third Respondent to issue patta in favour of the Petitioner in respect of that property based on sale-deed dated 27.09.2023 registered as Document No. 3510 of 2023 on the file of the office of the Sub-Registrar, Vadalur, based on the representation dated 23.12.2023 made by the Petitioner in that regard.

3. Learned Counsel appearing for the First and Third Respondents, on instructions, states that the decree in Original Suit No. 77 of 2013 on 05.10.2015 has been passed against the vendor of the Petitioner by the Principal District Munsif, Cuddalore. Further, Learned Counsel for the Third Respondent has filed a memo dated 25.03.2024 stating as follows:-

“2. It is submitted that the petitioner had purchased the land from one Pandurangan, son of Venugopal, in Survey No. 463/18 (Old Survey No. 15/1A1A), Plot No. 166, measuring 1616 sq.ft., situated at Thanthai Periyar Nagar, Vadakkuthu Village, Kunjipadi Union, Vadalur, Cuddalore District through the sale-deed dated 27.09.2023 in Document No. 3510/2023 on the file of the SRO, Vadalur. The aforementioned Pandurangan, son of Venugopal, had purchased the above land through



WEB COPY



W.P. No. 7654 of 2024

against the defendants, their men, agent and successors from demolishing and dismantling the existing water tank, pump station and bore well in the suit property. However, the Second defendant is entitled to deal with the suit property only to benefit the residents therein. The defendants have to bear the costs. ”

In the above juncture, the petitioner had purchased the above property from the Pandurangan and is seeking the issuance of a new patta in the petitioner's favour. The above land in Survey No. 463/18 (Old Survey No. 15/1A1A), Plot No. 166, measuring 1616 sq.ft., situated at Thanthai Periyar Nagar, Vadakkuthu Village, Kurinji Union, Vadalur, Cuddalore District had revenue accounts in a Joint Patta bearing 157 persons. Meanwhile, the second respondent proceeded to claim that the petitioner had no title to the above property and that the sale is void.”

4. In that backdrop, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition reserving the rights of the Petitioner to



W.P. No. 7654 of 2024

work out his remedies before proper forum in the manner recognized by law

and he has made endorsement to that effect in the Court record.

In fine, the Writ Petition is dismissed as withdrawn with the aforesaid clarifications. Consequently, the connected Miscellaneous Petitions are closed.

No costs.

25.03.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 23.04.2024.

Maya

To

1. The District Collector
Cuddalore District
Cuddalore.
2. The Block Development Office
Kurinchipadi Taluk
Cuddalore District.
3. The Tahsildar
Kurinchipadi Taluk
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W.P. No. 7654 of 2024

P.D. AUDIKESAVALU, J.

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W.P. No. 7654 of 2024

25.03.2024