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W.A.No.2647 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE K. RAJASEKAR

W.A.No.2647 of 2024

A.Kaliyaperumal

Vs.

... Appellant

1.The District Collector,
Villupuram.

2.The Tahsildar,
Villupuram.

3.Kokilambal

4.Bagyalakshmi

5.Nandakumar

6.Ramkumar

... Respondents

Prayer:- Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 29.06.2021 in W.P.No.14312 of 2018 on the file of this Court.



W.A.No.2647 of 2024

For Appellant : Mr.N.Suresh
For R1 and R2 : Mr.G.Krishna Raja
Additional Government Pleader

J U D G M E N T

(Judgment was delivered by **S.S. SUNDAR, J.**)

This Writ Appeal is directed against the order of the learned Single Judge dated 29.06.2021 in W.P.No.14312 of 2018.

2.The writ petitioner is the appellant herein. The appellant filed the writ petition in W.P.No.14312 of 2018 for issuance of a Writ of Mandamus directing the respondents 1 and 2 to restore the patta in favour of the petitioner/appellant in respect of a property in S.No.260/1, Sendhanur Village.

3.The appellant claims to be the absolute owner of the property in S.No.260 measuring an extent of 1.28 Acres in Sendhanur Village. It is the case of the appellant that he purchased the property from one Poorani



W.A.No.2647 of 2024

WEB COPY
Ammal by sale deed dated 21.09.1983. Though the appellant states that patta for the property was given in respect of an extent of 42.50 Ares in S.No.260/1, the appellant also admits that the names of private respondents were also included in the patta. Alleging that no notice was issued to the petitioner/appellant before mutation of Revenue records, the appellant submitted a representation for removal of names of individuals and to restore the patta in the name of appellant. The said representation was not considered and hence, the appellant filed the writ petition in W.P.No.14312 of 2018. The writ petition was dismissed by recording a few facts which were not disclosed by the petitioner/appellant.

4.It appears that the appellant's vendor had purchased the property from one Unnamalai Ammal, W/o.Kothandapani. The said Unnamalai Ammal and appellant's vendor, on the same day, entered into an agreement of sale and as per the agreement, Unnamalai Ammal was entitled to re-conveyance if she pays the money within the time stipulated in the said agreement. Pursuant to the said agreement, the legal heirs of Unnamalai Ammal filed a suit in O.S.No.1059 of 1989 before the District Munsif Court,



W.A.No.2647 of 2024

Villupuram, for specific performance as against the appellant's vendor by name Poorani Ammal as well as the appellant. The fact that the appellant was a party to the suit for specific performance is not even disputed by the appellant before this Court. The said suit was decreed. Subsequently, as per the decree, defendants in the suit, including the appellant, were directed to execute sale deed as per the decree. Since the Judgment Debtors including the appellant did not execute the sale deed, a sale deed was executed through Court in favour of the private respondents.

5. Therefore, title over the property has been recognised as per the Civil Court's decree. Subsequently, mutation had taken place in the Revenue records in favour of the private respondents as per the Civil Court's decree. Though the appellant purchased the property, the appellant's vendor had earlier entered into an agreement and the decree in the suit for specific performance filed by the private respondents against the appellant would only show that the appellant had lost his title in the Civil forum. Therefore, the appellant cannot be a person aggrieved by mutation of Revenue records in tune with the Civil Court's decree. The appellant himself is a party to the



W.A.No.2647 of 2024

civil proceedings. Hence, the appellant is estopped from claiming title over the property.

6.Learned counsel for the appellant states that the appellant is in possession of the property. This Court is unable to agree with the said submission, as this Court is not inclined to issue notice to the other side. Though the sale deed was executed through Court, it is stated that no Execution Petition is filed by the private respondents to take possession of the property. This Court is unable to agree with the new plea. The appellant who tried to get an order by suppressing material facts before this Court in the writ petition and in this appeal cannot be permitted to raise new plea. The nature of possession and the manner in which the property is being enjoyed by the appellant, is neither pleaded nor shown by any of the documents filed by the appellant. For obvious reasons, this Court is not inclined to entertain this argument. Having regard to the facts submitted before the learned Single Judge, this Court is unable to find any error or irregularity in the order of the learned Single Judge dismissing the writ petition.



W.A.No.2647 of 2024

S.S. SUNDAR, J.
and
K. RAJASEKAR, J.

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7. Therefore, this Writ Appeal is dismissed for want of merits. No costs.

(S.S.S.R., J.) (K.R.S., J.)
11.09.2024

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Internet : Yes
Index : Yes / No
Neutral Citation : Yes / No

To

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Villupuram.

2. The Tahsildar,
Villupuram.

W.A.No.2647 of 2024