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W.P.No.26289 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2024

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THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.26289 of 2024

and

WMP.No.28716 of 2024

Dhanalakshmi

...Petitioner

Vs.

1. The District Collector,
Kancheepuram District.
 2. The District Revenue Officer,
Kancheepuram.
 3. The Tahsildar,
Walajabad Taluk,
Kancheepuram District.
 4. A.Chandra
- ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records of the order passed by the second respondent in Na.Ka.N.6845/2023/A4 dated 12.07.2024 and quash the same.

For Petitioner : Mr.P.Arumugavel

For R1 to R3 : Mr.P.Sathish
Additional Government Pleader



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ORDER

Aggrieved by the order passed by the second respondent canceling the patta issued in the name of the petitioner's husband Ranganathan and seeking to restore it in the name of his father Anjooran, the petitioner has come up with this writ petition.

2. It is seen from the affidavit filed by the petitioner that the subject property was originally owned by one Kullan, paternal grandfather of the petitioner who had two sons namely Anjooran and Ragavan. After death of the said Kullan his sons Anjooran and Ragavan are entitled to a right over the property. The petitioner's husband Ranganathan and fourth respondent are children of the above said Anjooran. Before UDR proceedings the patta for subject property in Survey No. 139/1 with an extent of 0.74 cent stood in the name of petitioner's husband's father Anjooran. Later it was mutated in the name of petitioner's husband Ranganathan. The petitioner's husband's sister viz., fourth respondent herein filed an application seeking cancellation of patta issued in the name of Ranganathan. Since the petitioner's husband Ranganathan and the fourth respondent are children of original patta holder Anjooran, after his death both are entitled to his property. However, the patta



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was transferred exclusively in the name of Ranganathan. The petitioner has not produced any document to show the exclusive right over the property.

Therefore, by the impugned order second respondent cancelled the patta and restored it in the same the petitioner's husband's father Anjooran. Aggrieved by the same, the petitioner has come by way of this writ petition.

3. The learned counsel appearing for the petitioner submitted that patta for the subject property was mutated in favour of the petitioner's husband Ranganathan long back. The fourth respondent approached the revenue authority for cancellation of patta nearly after 35 years.

4. Undoubtedly, the petitioner's husband Ranganathan and the fourth respondent are son and daughter of original patta holder Anjooran and the petitioner is unable to establish exclusive right over the property by producing any document. Therefore the second respondent rightly restored the patta in the name of Anjooran and relegated the parties to approach the Civil Court and establish their right. Now by virtue of the impugned order, patta has been restore in the name of the petitioner's husband's father Anjooran as stood earlier. Therefore, the petitioner has not made out any case to interfere with the order passed by the second respondent.



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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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S. SOUNTHAR, J.

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