IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2024

CORAM

THE HON'BLE Ms. JUSTICE P.T.ASHA

W.P. No. 25848 of 2024

A.V.Ayyadurai Krishnan … Petitioner

-vs-

1. The District Revenue Officer
   Collector Office Campus
   Cuddalore – 607001.

2. The Tahsildar
   Cuddalore – 607001.

3. The Village Administrative Officer
   Thiyagavalli, Cuddalore.

4. Anandanayagi
5. Bharanidharan
6. Venkataraman ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to take action as per the order dated 22.01.2024 and to grant patta in the name of the petitioner after perusing the documents submitted by the petitioner through online vide Application No. 2024/0103/18/277571 dated 15.02.2024.

For Petitioner : Mr.T.Sai Krishnan

For Respondents : Mr.A.Selvendran, SGP (RR1 to 3)
Mr.S.C.Vishwanath (RR4 to 6)

O R D E R

The writ petition is filed for the following relief:-

" directing the respondents 1 to 3 to take action as per the order dated 22.01.2024 and to grant patta in the name of the petitioner after perusing the documents submitted by the petitioner through online vide Application No. 2024/0103/18/277571 dated 15.02.2024."

2. The brief resume of the fact are as follows:-

The property measuring an extent of 2 acres 45 cents comprised in old survey No. 202/2, Thiagavalli Village, Cuddalore Taluk belonged to the petitioner vide a partition deed dated 01.10.1979. This deed was executed between the petitioner, his father Venkatachalapathy, his mother Thaiyalnayagi Ammal and his brothers, viz., A.V.Elangovan, A.V.Senguttuvan and Rathinakumar. Under this partition 'D' schedule property in item No. 3 was exclusively allotted to the petitioner, who has been in possession and enjoyment of the same since then.

3. On 09.06.2008, a portion of old Survey No. 202/2, New Survey No. 141/3 measuring 53 cents was sold to the petitioner by Chemplast Sanmar and thereafter, the survey number was sub divided and the extent sold was sub divided as Survey No. 141/3B and the remaining portion was allotted old Survey No. 202/2, New Survey No. 141/3. This measures about 62 cents (25ares). This was later sub divided as Survey No. 141/3A and the same continues to be in the possession of the petitioner.

4. Apart from this, an extent of 1 acre and 20 cents was sub divided as Survey No. 141/5. The Patta in respect of the entire extent stood in the name of the petitioner's father. On 08.12.2003, the extent of 62 cents belonging to the petitioner was sold by one Ramani Kachirayar in favour of one Nochikadu Natarajan. Thereafter, a rectification deed dated 21.02.2007 came to be registered as Document Nos. 31 and 32 of 2003. While so, the petitioner's brother, Elangovan fraudulently got the patta transferred in his name in respect of the 62 cents in Survey 141/3A which exclusively belongs to the petitioner. Elangovan under the partition deed dated 01.10.1979 was not allotted any share in Survey No. 141/3A. As soon as the petitioners came to learn about the illegal transaction, he has made a representation to the Revenue Divisional Officers on

20.01.2021 to cancel the patta and issue the same in the name of the petitioner.

5. The Revenue Divisional Officer thereafter forwarded the application to the Tahsildar, who after the enquiry and perusal of the documents submitted by the Village Administrative Officer, Revenue Inspector and Deputy Tahsildar clearly recommended the patta standing in the name of the Elangovan to be cancelled. Though the Tahsildar had recommended the transfer, thereafter there was no progress on the side of the Revenue Divisional Officer and the petitioner was constrained to file a writ petition in W.P. No. 35523 of 2023 seeking a mandamus to the respondent to cancel the patta wrongly obtained and issued in the name of the Elangovan with respect to the extent of the 25 ares in Survey No. 141/3A. Pending this Writ Petition, the respondent had taken action on the petition dated 20.01.2021 and cancelled the patta in the name of the petitioner's brother Therefore, the writ petition came to be dismissed as infructuous. The respondent after cancelling the patta in the name of the petitioner's brother, had issued patta in the name of the petitioner's father. The petitioner thereafter made an application for transfer of patta, which request has not been processed and no orders passed and when the petitioner had approached the Village Administrative Officer, he was orally informed that the fourth to sixth respondents had preferred an appeal against the order dated

22.01.2024. The petitioner would submit that to-date he has not been issued summons in the above appeal and neither has any stay petition be produced. Therefore, he is before this Court.

6. From the narration it is clear that by the order dated 22.01.2024 the District Revenue Officer had cancelled the patta given to the respondents 4 to 6 and had directed the restoration of the revenue records in the name of the petitioner's grandfather, the original owner. The petitioner is claiming right to the property on the basis of the partition deed that has been entered into between him, his parents and his siblings, which includes Elangovan under whom the respondents 4 to 6 claim. Therefore, the second respondent who is the Tahsildar, is directed to dispose of the application dated 15.02.2024 after giving due notice to the respondents 4 to 6 and a personal hearing to the parties and thereafter pass orders on merits and in accordance with law.

7. With the above directions, this writ petition stands allowed. No costs.

14.11.2024

Index: Yes/No
NCC: Yes/No
Maya

P.T.ASHA, J.

Maya

To

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