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W.P.No.28601 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2024

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THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.28601 of 2024

Ms.Premila Ruben

...Petitioner

Vs.

1. The Revenue Divisional Officer,
Ottupattarai Road, Near R.S.Post Office,
Coonoor Taluk, Nilgiris District.
2. The District Collector,
Collector Office, Niligiri District,
Udhagamandalam.
3. Thottapillil Ravindranathan
4. Geetha Ravindranathan
5. Narayanan Chandrika
6. Mundanchery Kochu Krishnan

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to consider the application of the petitioner dated 27.08.2024 to cancel the Joint Patta / Town Survey Land Register issued on 08.03.2022 in TR.No./2022/0158/11/000315-2022-03-08 in favour of the respondents 3 to 6 pertaining to petition property at Coimbatore District, Coonoor Taluk, Keezhattadi, comprised in Survey No.E26B/B1A1B2B2A1A, R.S.No.300302, T.S.No.49 part, Ward No.A, Block No.32, measuring an extent of 47 cents, more-fully described in the petition schedule property.

For Petitioner : Mr.T.Ramachandran



WEB COPY

W.P.No.28601 of 2



For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

The petitioner herein seeks a direction to the first respondent to consider his representation dated 27.08.2024 to cancel the Joint Patta issued in the name of the private respondents 3 to 6 pertaining to the property situated in Survey No.E26B/B1A1B2B2A1A, R.S.No.300302, T.S.No.49 part, Ward No.A, Block No.32, measuring an extent of 47 cents at Coimbatore District, Coonoor Taluk, Keezhattadi.

2. By consent of both the learned counsel appearing for the petitioner as well as respondents 1 and 2, this writ petition is disposed of at the admission stage itself.

3. It is the specific case of the petitioner that the subject mentiioned property originally belonged to one K.C.John and he executed a Will dated 20.02.1942 bequeathing life interest in favour of his wife Samadhana Ammal alias Samathana Pushpammal with vested reminder in favour of her brother Packianathan. After her death, Packianathan executed a settlement deed on 12.12.1974, in favour of his wife S.P.Soundarammal and he died on



21.06.1976. His wife Soundarammal died on 06.10.1985. Thereafter, the petitioner and six others were entitled to succeed to the estate of the said S.P.Soundarammal as legal heirs. In these circumstances, a release deed was executed in favour of one V. Mosses on 31.10.2006 and was registered as document No.1932 of 2006 on the file of the SRO, Coonoor by seven persons without any legal rights. Thus, according to the petitioner, the release deed executed in favour of the said Mosses will not convey any title to him. Based on the said document, patta was issued in the name of the private respondents. Aggrieved by the same, the petitioner made a representation before the first respondent seeking to cancel the patta issued in the name of private respondents on the ground that the documents standing in the name of the private respondents are not valid documents and the same has not been considered till date. Therefore, the petitioner is before this court.

4. This court is of the view that the first respondent has no authority to go into the validity of the title or otherwise of the documents registered in favour of the private respondents. If it is the case of the petitioner that the registered documents are void in nature and the same did not convey any right or title to the private respondents, it is for the petitioner to prove the same before the Civil Court. In fact, the learned counsel for the petitioner submitted that the petitioner has already filed a suit in O.S.No.291 of 2018 before the



District Munsiff cum Judicial Magistrate, Mettupalayam, for declaration of title.

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5. In such circumstances, this court is not inclined to issue any direction to the first respondent to consider the representation of the petitioner dated 27.08.2024 seeking cancellation of joint patta issued in favour of the private respondents in respect of the subject property. However, it is open to the petitioner to establish her right over the subject property before the Civil Court and thereafter, seek rectification of revenue records, based on Civil Court's decree.

6. Accordingly, the writ petition is dismissed with liberty to petitioner to work out her remedy before Civil Court.

26.09.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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W.P.No.28601 of 2



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WEB COPY

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S. SOUNTHAR, J.

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