



W.P.No. 32622 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**Dated : 21.11.2024**

**CORAM**

**THE HONOURABLE Ms. JUSTICE P.T. ASHA**

**W.P.No. 32622 of 2024**

**and**

**W.M.P.Nos. 35468 & 35469 of 2024**

A.Saravanakumar

...Petitioner

**Vs**

1. The Government of Tamil Nadu  
Rep by its Additional Chief Secretary cum  
Commissioner of Land Administration  
2<sup>nd</sup> Floor, Ezhilagam, Chepauk,  
Chennai – 600 005
2. The District Collector,  
Tiruvarur District,  
Tiruvarur – 610 001
3. The District Revenue Officer,  
Office of the District Revenue Officer,  
Tiruvarur – 610 001
4. The Tahsildar,  
Taluk Office,  
Tiruvarur – 610 004

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5. The Sub Registrar,  
Sub Registrar Office,  
Tiruvavarur – 610 001

6. Ramalingam  
7. R.Athimulam

...Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration to declare the proceedings of the 3<sup>rd</sup> Respondent in Tho.Mu.No.33/2020 dated 24.01.2020 by cancellation of patta order as illegal and void and forbear the 4<sup>th</sup> respondent from passing any order to cancel the patta for the petitioner without getting any decree from the competent civil court with regard to cancellation of the patta.

For Petitioner : Mr.S.Parthasarathi

For Respondents 1 to 5 : Mr.A.Selvendran  
Special Government Pleader

For Respondents 6 & 7 : Mr.N.Desinghu

### **ORDER**

Challenging the order passed by the 3<sup>rd</sup> respondent in his



proceedings dated 24.01.2020, the petitioner has moved this Court seeking the issuance of a writ of declaration to declare the order as illegal and void and to forbear the 4<sup>th</sup> respondent from passing any order without obtaining a decree from the competent Court.

2. The facts which are necessary for disposing of the above Writ Petition are as follows:

(i) The petitioner would contend that he is the owner of an extent of 1.45.00 hectares of agricultural land comprised in Survey No.128/2 situate at Keelakavathukudi Village, Tiruvarur Taluk and District which he has purchased from 9 persons, including respondents 6 and 7, under a Sale Deed dated 05.12.2004 which was registered on 05.01.2005. The petitioner would submit that, after the purchase, the patta in respect of the property had been transferred in his name vide the proceedings of the 4<sup>th</sup> respondent dated 03.07.2006 in Patta No.135. The petitioner has been peacefully enjoying the said



property since then.

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(ii) While so, the respondents 6 and 7, being father and son had demanded money from the petitioner which was refused. In the month of June 2021, they along with their henchmen trespassed into the property and when a complaint was made by the petitioner to the Thiruvavarur Police, he was informed that, by an order dated 24.01.2020, the patta issued in his favour was cancelled by the 3<sup>rd</sup> respondent. The petitioner had made an application under the Right to Information Act, before the 2<sup>nd</sup> respondent, seeking information regarding the proceedings of the 3<sup>rd</sup> respondent dated 24.01.2020 and the same was also furnished to him.

(iii) The petitioner would submit that, in the reply dated 28.06.2021 to the RTI query, the second respondent's office informed the petitioner that no objection against the cancellation of patta had been made.



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(iv) A perusal of the order passed by the 3<sup>rd</sup> respondent would indicate as if the petitioner was served with a notice of enquiry and that he had appeared before the 3<sup>rd</sup> respondent. This according to the petitioner is an absolutely false statement, as he was neither served with notice nor had he appeared before the 3<sup>rd</sup> respondent. He would contend that the 3<sup>rd</sup> respondent appears to have colluded with the 6<sup>th</sup> respondent and passed orders behind his back.

(v) The 3<sup>rd</sup> respondent had further observed in the order that the Sale Deed executed in favour of the petitioner was not registered within the prescribed time period of 4 months and since it was registered after 6 months, the same was illegal.

(vi) Therefore, the petitioner had filed W.P.No16933 of 2021 and obtained an order of interim stay of the proceedings of the 3<sup>rd</sup>



respondent dated 24.01.2020. When the matter had come up for hearing on 22.08.2023, since the counsel for the petitioner was not present, the writ was disposed of with an observation that since patta had been granted in the name of the petitioner, the grievance of the petitioner had been redressed and no further order needs to be passed.

(vi) Pursuant to the above order, the 7<sup>th</sup> respondent had filed a W.P.No.20923 of 2024 , seeking to consider his representation dated 29.01.2024 by totally suppressing the earlier proceedings. By order dated 30.07.2024, the respondents were directed to consider the representation within a period of 2 months. Once again, no notice had been served on the petitioner in the above writ petition. Though a positive order had not been passed by this Court, which had only directed the representation to be considered, the 7<sup>th</sup> respondent, according to the petitioner, was attempting to trespass into the petitioner's property. Therefore, he has come forward with the above writ petition.



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3. No counter has been filed by the respondents. However, the learned counsel has entered appearance for the parties.

4. A reading of the impugned order would indicate that the 6<sup>th</sup> respondent had made an application to the Land Commissioner who in turn had directed the 4<sup>th</sup> respondent to conduct an enquiry and submit a report and this report had been submitted on 26.11.2019. The 3<sup>rd</sup> respondent has proceeded to discuss the title to the property by holding that the sale deed in the name of the petitioner is invalid since the registration has taken place 6 months after its execution and therefore, the patta granted to him was wrong and it is on this ground that the pata has been cancelled. The assumption of the jurisdiction by the 3<sup>rd</sup> respondent to cancel the patta is itself erroneous. The competent authority is the Revenue Divisional Officer. That apart, the ground on which the patta has been cancelled is totally erroneous. The sale deed had been executed on 05.12.2004 and the registration



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has taken place on 05.01.2005 a month after its execution. Therefore, the finding that the registration has taken place after a period of 6 months is totally fallacious. Further, the 3<sup>rd</sup> respondent has exceeded the scope of his brief by going into title.

5. Therefore, the writ petition is allowed and the impugned order dated 24.01.2020 is set aside. The 6<sup>th</sup> respondent shall make necessary application to the Revenue Divisional Officer for cancellation of patta and on the receipt of the said application, the Revenue Divisional Officer shall issue notice to all parties concerned and pass orders on merits and in accordance with law, after giving them a personal hearing, within a period of two months from the date of receipt of the application. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Index: Yes/No

Speaking order/non-speaking order

Neutral Citation: Yes/No

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srn

To,

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Commissioner of Land Administration  
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**P.T.ASHA, J.,**

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