



W.P.No.33558 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2024

CORAM

THE HON'BLE **MS.JUSTICE P.T.ASHA**

W.P.No.33558 of 2024

K.Bhuvaneswara Bhoopathi

... Petitioner

Vs.

1. The Sub-Collector,
Mettur.
2. The Revenue Divisional Officer,
Mettur,
Salem District.
3. The Revenue Tahsildar,
Kadayampatti Taluk,
Salem District.
4. The Director of Adi Dravidar Welfare Department,
Chepauk,
Chennai – 600 005.
5. The District Register,
Salem District.
6. The Sub Register,
Omalur,
Salem District.



W.P.No.33558 of 2024

WEB COPY

7. The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakkam,
Chennai – 600 028.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records of the 1st respondent relating to impugned order/ file No.Mu.Mu.2388/2023 dated 31.07.2024 to quash the same and consequently direct the 1st respondent to issue Patta in favour of the Petitioner without insisting on production of any further documents.

For Petitioner : Mr.S.Sheik Ismail

For Respondentss : Mr.A.Selvendran
Special Government Pleader

ORDER

Mr.A.Selvendran, learned Special Government Pleader takes notice on behalf of the Respondents.

2. The Petitioner who had purchased the lands measuring to an extent of 61 ½ acres situated at Pottiyapuram Village under a registered Sale Deed



W.P.No.33558 of 2024

dated 09.06.2022 (Document No.6055 of 2022) had applied for Patta transfer. However, the 1st Respondent has rejected the request of the Petitioner and therefore, the Petitioner is before this Court.

3. A brief facts of the case are as follows:-

The Petitioner had purchased the aforesaid lands which formed part of a larger extent of 2.12 acres comprised in S.F.No.67/1, Patta No.159, Pottiyapuram Village belonged to one P.Subbarayan S/o.Periya Gounder. The land measuring to an extent of 1 acre out this 2.12 acres was acquired by the Government for providing house sites to Adi Dravidars. Ultimately an Award came to be passed on 25.03.1982. Subsequently, the lands which was acquired was also returned back to the original owner vide proceedings dated 17.04.1982. This release had been recorded in the Village Records due to over sight. While so, the said P.Subbarayan had executed a Release Deed in favour of his grandson namely Subramanian with respect to the lands measuring an extent of 1.33 acres in S.F.No.67/1. The said Subramani and his minor sons sold the aforesaid lands to one Kaliannan and Kandasamy under a registered Sale Deed dated 14.12.2011 (Doc.No.11654/2011-SRO, Omalur). Thereafter, the 2nd Respondent had granted a Joint Patta in



W.P.No.33558 of 2024

Patta No.159 in the name of Kandasamy, Kaliannan and Subramanian. The said Kaliannan and Kandasamy sold 61 ½ cents out of 1.33 acres to one K.Abirami under a registered Sale Deed dated 19.05.2022. The remaining 64 ½ cents was sold by them to one K.Latha under a registered Sale deed dated 19.05.2022. After their purchase their names were also included in the new Patta No.1074. The Petitioner had purchased the lands measuring to an extent of 61 ½ cents from the said K.Abirami under a registered Sale Deed dated 09.06.2022. sAfter the purchase the Petitioner had submitted an application for mutation of Revenue Records on 25.01.2023. The Petitioner had himself appeared for an enquiry and had provided all these documents. However, the same was rejected stating that it will be processed only after obtaining No Objection Certificate (NOC) from the Adi Dravidar Welfare Department.

4. Heard the learned counsel on either side and perused the materials available on record.

5. The Petitioner had submitted the proceedings of the Special Tahsildar, Omalur which is a tabulated statement showing the



W.P.No.33558 of 2024

Return of lands acquired under the Land Acquisition Act. The perusal of the same shows that the property comprised in 67/1A measuring to an extent of 1 acre had been returned. This was the land that had been acquired. The Respondents had without seeking any No Objection Certificate (NOC) granted Patta earlier to the Petitioner's predecessors but is now trying to create a non-existence right on the Adi Dravidar Welfare Board by directing the Petitioner to get a No Objection Certificate (NOC). Admittedly, the Petitioner and his predecessors have been in possession and enjoyment of the subject property for a very long time and the Revenue Records have been mutated twice in respect of the property.

6. Therefore, the Writ Petition is allowed and a Mandamus is issued to the Special Tahsildar, Omalur to issue Patta to the Petitioner within a period of twelve (12) weeks from the date of receipt of a copy of this Order. No costs.

09.12.2024

Index : Yes/No
Speaking/Non-speaking Order
Neutral Citation : Yes/No
rgm



WEB COPY



W.P.No.33558 of 2024

P.T.ASHA, J.

rgm

To

1. The Sub-Collector,
Mettur.
2. The Revenue Divisional Officer,
Mettur,
Salem District.
3. The Revenue Tahsildar,
Kadayampatti Taluk,
Salem District.
4. The Director of Adi Dravidar Welfare Department,
Chepauk,
Chennai – 600 005.
5. The District Register,
Salem District.
6. The Sub Register,
Omalur,
Salem District.
7. The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakkam,



Chennai – 600 028.

WEB COPY



W.P.No.33558 of 2024

W.P.No.33558 of 2024

09.12.2024