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W.P.No.35194 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.35194 of 2024

Mr.K.Venkatesan

... Petitioner

Vs.

1.The District Collector Of Tiruvannamalai
Collector Office, Vengikal,
Tiruvannamalai.

2.The District Revenue Officer
Collector Office,
Tiruvannamalai.

3.The Revenue Divisional Officer
Arani,
Tiruvannamalai District.

4.The Tahsildar
Kalasapakkam Taluk,
Tiruvannamalai District.

5.Jayavel

6.Pawn Kumar

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of Mandamus, Directing the respondent 4 to



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cancel the patta wrongly issued in the name of 5th respondent and the name transfer of patta to 6th respondent for the above property comprised in Survey No.146/2 situated at Kettavarampalayam Village, Kalasapakkam Taluk, Tiruvannamalai District and also direct the respondents to issue patta in favour of the petitioner herein.

For Petitioner : M/s.S.Suseela Devi

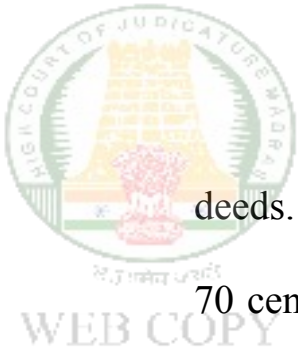
For Respondents : Mr.R.P.Murugan Raja, Govt. Advocate
for R1 to R4.

ORDER

The Writ Petition is filed for the following reliefs:-

"Directing the respondent 4 to cancel the patta wrongly issued in the name of 5th respondent and the name transfer of patta to 6th respondent for the above property comprised in Survey No.146/2 situated at Kettavarampalayam Village, Kalasapakkam Taluk, Tiruvannamalai District and also direct the respondents to issue patta in favour of the petitioner herein."

2. It is the case of the petitioner that that his father Kannan Udaiyar had purchased the subject property under two registered sale



deeds. Though the earlier documents mentioned the extent as 1 acre 70 cents, however, only 1 acre 64 cents was available on site and the petitioner's father had only paid the sale consideration for the land available on site.

3. The vendor of his father had thereafter approached the petitioner to purchase the remaining 0.06 cents and the petitioner had also purchased the same under a registered sale deed dated 27.03.2003. The petitioner would submit that his father had executed a registered settlement deed in his favour under document number 443 of 2015. That being so, one Jayavel son of Manicka Udaiyar created a fabricated sale deed in his favour as if he had purchased the property in S.No.146. The said Jayavel had filed a suit against the petitioner in suit O.S.No.324 of 2014, on the file of the District Munsif, Bolur. The same was later transferred to District Munsif, Kalasapakkam and renumbered as O.S.No.133 of 2019 and the petitioner is contesting the said suit.

4. However, during the pendency of the Civil Suit, the 4th



respondent included the name of the said Jayavel in the patta along with the petitioner's father's name in the year 2018. Thereby, the individual patta of the petitioner's father was converted into a joint patta without the knowledge or intimation to the original pattadars. On coming to know about the same, the petitioner had approached the Revenue Officials to include his name in the patta. However, the respondents had refused to change the patta stating that a civil suit was pending. Yet, the very same authorities have changed the patta in favour of the 5th respondent during the pendency of the suit.

5. Thereafter, on the basis of this mutation, the said Jayavel had executed a settlement deed in favour of his son the 6th respondent on 11.07.2022 and the patta now stands in the name of the 6th respondent. The mutation has been done without enquiry or without notice to the other pattadars. Therefore, the petitioner had given a representation dated 07.11.2022 to cancel the patta wrongly issued to the 5th respondent and re-issue it in the name of the petitioner. Since the said representation has not been considered to date, the petitioner is before this Court.



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6. Heard the counsels on either side.

7. The above narration of facts would show that the mutation has taken place during the pendency of the suit and the petitioner's representation dated 07.11.2022 has not been considered to date. Therefore, the Writ Petition is allowed a mandamus is issued to the 4th respondent to consider the representation of the petitioner dated 07.11.2022 and pass orders within a period of 4 weeks from the date of receipt of a copy of this order. No costs.

29.11.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No



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P.T. ASHA. J.,

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