



WP.No.37422 of 2024

In the High Court of Judicature at Madras

Dated : 17.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.37422 of 2024

Radha

Vs

...Petitioner

1. The District Revenue Officer
Villupuram District.
2. The Revenue Divisional Officer,
Villupuram, Villupuram District.
3. Ramesh
4. Suresh
5. Sathish Kumar

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dated 29.12.2023 passed by the 1st respondent in Na.Ka.A7/791339/2023, quash the same and consequently cancel the patta stands in the names of the respondents 3 to 5 over the part of the above said property.

For Petitioner : Mr.B.Ramakrishnan
For R1 & R2 : Mr.A.Selvendran, SGP



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ORDER

Seeking to quash the order dated 29.12.2023 passed by the first respondent and to issue a consequential direction to the first respondent to cancel the patta granted to respondents 3 to 5, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader accepting notice for respondents 1 and 2.

3. The case of the petitioner is as follows :

(i) The property comprised in old Natham Survey No.120/1, New Natham Survey No.120/19 measuring 334 sq.meters situated at Nathankaduvetty Village, Chennakunam Madura, Kandhachipuram Taluk, Villupuram District and other properties belonged to the petitioner's mother - Mrs.Anjalai, who had been in possession and enjoyment of the same for over 50 years. When the natham survey was conducted, the patta stood in the name of the petitioner's mother. Thereafter, one Mr.Paavadai - the father of respondents 3 to 5 appeared to have manipulated some documents and obtained a patta in his favour in respect of the said property by taking advantage of the



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similarity in the name of his father to that of the father of the petitioner.

(ii) Respondents 3 to 5 sold the said property to third parties. Immediately, the petitioner lodged a complaint to the Superintendent of Police, Villupuram District for taking necessary action. Simultaneously, the petitioner and her mother also filed an appeal on 05.6.2008 to the Sub-Collector, Thirukovilur in Na.Ka.A1/3692/2018, seeking to cancel the patta granted to the said Mr.Paavadai. In the said appeal, respondents 3 to 5 are yet to file their counter. Since the said appeal was not taken up for hearing, the petitioner filed W.P.No. 28502 of 2019 before this Court and it was disposed of on 12.11.2019 directing the Authority concerned to dispose of the matter within four weeks from the date of receipt of a copy of the said order.

(iii) Thereafter, the petitioner had given an application to the Revenue Divisional Officer, Tirukovilur seeking to issue certified copies of the old revenue records. This application was returned citing the pendency of the petitioner's appeal. Meanwhile, the territorial jurisdiction changed and consequently, the proceedings before the Revenue Divisional Officer, Thirukovilur were transferred to the file of the second respondent. Therefore, the petitioner's mother filed W.P.No.9876 of 2021 seeking a direction to the second respondent to



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consider and pass orders on the petitioner's appeal dated 05.6.2018 and it was disposed of by order dated 21.4.2021 directing the second respondent to consider the said appeal within four weeks. Pursuant to that, the final order dated 30.8.2022 came to be passed rejecting the appeal dated 05.6.2018.

(iv) The said order dated 30.8.2022 passed by the second respondent was challenged by the petitioner by filing W.P.No.33239 of 2022 and it was also disposed of by this Court by order dated 12.12.2022 directing the petitioner to file a revision petition before the first respondent. Accordingly, the petitioner filed a revision petition before the first respondent and it has been dismissed by the impugned order. Hence the writ petition.

4. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned order.

5. A perusal of the impugned order would clearly show that beyond fasli 1398, the petitioner has not produced any documents whatsoever to prove her possession. In fact, the first respondent held that the very adangal extract cannot be taken seriously since there is a



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overwriting, which appears to be of a recent origin. The first respondent had further gone on to hold that the patta was directed to be issued in the name of the said Mr.Paavadai, S/O Mr.Arumugam and it was issued as such. The said Mr.Paavadai also put up a small construction. It is on this basis, the impugned order came to be passed. The documents would further show that there is no other document beyond fasli 1398 to give even a semblance of right to the petitioner.

6. Considering the fact that the impugned order of the first respondent has been passed after perusing the documents and taking into consideration the defences on either side, this Court sees no reason to disagree with the impugned order passed by the first respondent. That apart, since a rival claim of title has also been raised, the remedy available to the petitioner is to institute a suit before the competent civil forum.

7. In the light of the above, the writ petition is dismissed. No costs.

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P.T.ASHA,J

RS

To

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Villupuram District.
2. The Revenue Divisional Officer,
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