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WP.No.36102 of 2024

In the High Court of Judicature at Madras

Dated : 06.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.36102 of 2024

Ramakrishnan

Vs

...Petitioner

- 1.The District Collector,
District Collector Office,
Kallakurichi Town,
Kallakurichi Taluk &
District.
- 2.The District Revenue Officer,
District Collector Office
Complex, Kallakurichi Town,
Kallakurichi District.
- 3.The District Registrar,
District Registration Office,
Kacheri Road, Kallakurichi
Taluk & District.
- 4.The Revenue Divisional Officer,
Revenue Divisional Office,
Kallakurichi Taluk &
District.
- 5.The Tahsildar, Taluk Office,
Kallakurichi Taluk &
District.
- 6.The Sub-Registrar, Sub-
Registrar Office,
Thiyagadurgam, Kallakurichi
Taluk & District.



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7.Mr.Durai
8.Mr.Kumar
9.Ms.Latha

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing respondents 1 to 6 herein to consider and pass order on the petitioner's representation dated 01.10.2024 for the cancellation of the erroneous joint patta No. 1854 issued in the name of the petitioner and his sister Sujatha along with respondents 7 to 9 in respect of the land admeasuring an extent of 0.00.82 sq.mtr or 882 sq.ft in Old Natham Survey No.76/4, New Survey No.76/7 situated at Periyamampattu Village, Thiyagadurugam, Kallakurichi Taluk and District and restore patta No.1634 issued in favour of the petitioner within the time frame to be stipulated by this Court.

For Petitioner : Mr.R.Bharath Kumar
For R1 to R6 : Mr.A.Selvendran, SGP

ORDER

Seeking a Mandamus to respondents 1 to 6 to consider his representation dated 01.10.2024 for the cancellation of erroneous joint patta No.1854 issued in the name of the petitioner and his sister - one Mrs.Sujatha along with respondents 7 to 9 in respect of the land measuring 0.00.82 sq.mtr or 882 sq.ft in Old Natham Survey No.76/4,



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New Survey No.76/7 situated at Periyamampattu Village, Thiyyagadurugam, Kallakurichi Taluk and District and to restore patta No.1634 issued in favour of him, 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 to 6.

3. The case of the petitioner is as follows :

(i) The subject property was originally classified as grama natham. The petitioner's grandfather - one Mr.Rajagopal occupied the subject property and put up a thatched house. He had been in possession and enjoyment of the subject property. The house was assigned a door number and the petitioner's grandfather had been paying tax to the Local Authority for more than 40 years. The revenue records were also mutated in his favour.

(ii) The petitioner's grandfather had two sons and four daughters. There had been a family partition among them in respect of the subject property as well as other properties and a partition deed dated 13.2.2006 registered as doc.No.470 of 2006 on the file of the sixth respondent came to be executed. As per the said partition, the subject property fell to the share of the petitioner's father - one Mr.Rajendran and he was in possession and enjoyment of the subject



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property.

(iii) The petitioner's father died on 11.11.2015 leaving behind him the petitioner's mother, the petitioner and two daughters as surviving legal heirs. After the demise of the petitioner's father, his legal heirs were in possession and enjoyment of the subject property. Subsequently, the petitioner's grandmother - one Mrs.Meenambal and the petitioner's sister - one Mrs.Anitha executed a release deed dated 07.2.2022 registered as doc.No.370 of 2022 in favour of the petitioner and his sister - the said Mrs.Sujatha. By way of the said release deed, the petitioner and his sister - the said Mrs.Sujatha became the absolute owners of the subject property and a patta was also granted in their favour.

(iv) The said Mrs.Sujatha executed a gift deed dated 28.11.2022 registered as doc.No.4506 of 2022 in favour of the petitioner, pursuant to which, the petitioner became the absolute owner of the subject property and has been in possession and enjoyment of the same. A patta was also issued by the fifth respondent in favour of the petitioner. In the meantime, the father of respondents 7 to 9 - one late Mr.Selvaraj, who was the owner of the property in S.No.76/9, executed a settlement deed in favour of his wife on 02.6.2005 registered as doc.No.925 of 2005 on the file of the fifth respondent wrongly mentioning the survey number as 76/7.



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(v) The said Mr.Selvaraj died intestate leaving behind him respondents 7 to 9 as his legal heirs. Without having a valid title to the subject property, respondents 7 to 9 made an application to the fifth respondent on 04.11.2022 for the issuance of a joint patta in their names and without conducting any inquiry whatsoever, the fifth respondent granted the joint patta in the names of the petitioner, his sister - the said Mrs.Sujatha and respondents 7 to 9. Immediately thereafter, the petitioner sent a representation to the fourth respondent seeking to cancel the joint patta, in which, the Revenue Inspector, Thiyagadurgam conducted an inquiry and vide report dated 19.12.2022, confirmed that the petitioner is in possession and enjoyment of the subject property.

(vi) Thereafter, the fifth respondent sent a communication dated 13.4.2023 to the fourth respondent recommending the deletion of the names of respondents 7 to 9. Pursuant to that, the joint patta issued in the names of the petitioner, his sister - the said Mrs.Sujatha and respondents 7 to 9 in respect of the subject property was cancelled and the patta was restored in the name of the petitioner. Once again, respondents 7 to 9 obtained a fraudulent patta on 27.8.2024. Based on the same, the seventh respondent executed a settlement deed dated 16.9.2024 registered as doc.No.4109 of 2024 in respect of 1/3rd of the subject property in favour of the eighth respondent.



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(vii) The boundaries mentioned in the settlement deeds dated 02.6.2005 and 24.9.2024 are not one and the same, as the boundaries pertaining to S.No.76/7 have been mentioned in the settlement deed dated 16.9.2024 whereas the boundaries pertaining to S.No.76/9 were mentioned in the settlement deed dated 02.6.2005. Respondents 7 to 9 have acted fraudulently with an intention to grab the subject property belonging to the petitioner.

(viii) The petitioner had already filed a protest petition dated 01.4.2024 before the sixth respondent. Despite that, the sixth respondent registered the fraudulent settlement deed dated 16.9.2024 executed by the seventh respondent in favour of the eighth respondent in respect of the 1/3rd share in the subject property. Taking advantage of the situation, respondents 7 to 9 are trying to create third party encumbrances over the subject property. Hence, the petitioner made a representation dated 01.10.2024 to the respondents and others for the cancellation of joint patta No.1854 issued in the names of the petitioner, his sister - the said Mrs.Sujatha and respondents 7 to 9. As it did not evoke any response, the writ petition has been filed.

4. Considering the facts and circumstances of the case, the writ petition is allowed and a Mandamus is issued to the fourth respondent



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to consider the said representation of the petitioner dated 01.10.2024 for the cancellation of joint patta No.1854 and to restore patta No.1634 in favour of the petitioner on merits. The petitioner shall submit all the relevant records to show his title to the subject property and the fourth respondent shall, after issuing notice to the adjacent land owners and interested parties, hold an enquiry and thereafter, pass appropriate orders in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. No costs.

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To

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