



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2024

Coram:

**THE HONOURABLE MR. JUSTICE P.VELMURUGAN**

W.P. No.35718 of 2023 and  
W.M.P. Nos.35702 and 35703 of 2023

1. Periyasamy
2. Manikandan
3. Vedappar
4. Mani
5. Raman
6. K.Saravanan

... Petitioners

Vs.

1. The District Revenue Officer  
Kallakurichi  
Kallakurichi District
2. The Revenue Divisional Officer  
Kallakurichi  
Kallakurichi District
3. The Revenue Tahsildar  
Kallakurichi  
Kallakurichi District
4. Subramanian

... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order 20.10.2023 made in Pa.Mu.Aa3/35961/2023 passed by the 1st respondent, quash the same consequently, forbear the respondents from interfering with the property right of the petitioners in and over 20 cents in S.F.No.95/1 (old S.F.No.65/8), Udayamampattu Village, Kallakurichi Taluk and District.

For Petitioner : Mr.N.Manoharan



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W.P. No.35718 of 2023



For R1 to R3 : Mr.R.U.Dinesh Rajkumar  
Additional Government Pleader

For R4 : No appearance

### **ORDER**

This Writ Petition is filed seeking to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order dated 20.10.2023 made in Pa.Mu.Aa3/35961/2023 passed by the 1st respondent, quash the same and consequently, forbear the respondents from interfering with the property right of the petitioners in and over 20 cents in S.F.No.95/1 (old S.F.No.65/8), Udayamampattu Village, Kallakurichi Taluk and District.

2. The case of the petitioners is that the 4th respondent had given a representation dated 02.01.2024 to annul the Patta transfer made in respect of the property in question and after enquiry, the 2nd respondent dismissed the same by proceedings dated 13.03.2023. Challenging the same, the 4th respondent filed an appeal before the 1st respondent and by impugned order dated 20.10.2023, the 1st respondent cancelled the Joint Patta that stood in the names of the predecessors-in-title of the petitioners 1 to 3 and also petitioners



4 and 5 herein and ordered to resume the Patta for the said survey number as “Natham Vacant site”. Challenging the same, now the writ petitioner is before this Court.

3. The learned counsel for the petitioners contended that the property in question is a “Natham Land”. The petitioners' predecessors-in-title were in occupation of the land and got the Patta. Subsequently, they executed a settlement deed. The 4th respondent who is no way connected with the said property, had given a representation dated 02.01.2024 to annul the Patta transfer made in respect of the property in question and after enquiry, the 2nd respondent dismissed the same by the said proceedings dated 13.03.2023. Challenging the same, the 4th respondent filed an appeal before the 1st respondent. Though notice was not given in respect of the proceedings of the 2nd respondent, appeal intimation was given to the petitioners and the petitioners have also given statement and the 1st respondent recorded the statement of the 4th petitioner. However, by impugned order dated 20.10.2023, the 1st respondent cancelled the said joint Patta and ordered to resume the patta for the said survey number as “Natham Vacant site” stating that there are irregularities and discrepancies in the Patta proceedings. Hence, the present Writ Petition is filed challenging the order dated 20.10.2023



passed by the 1st respondent.

4. Though the learned Additional Government Pleaded appearing for the respondents 1 to 3 submitted that there is a violation of conditional Patta, the impugned order does not reflect anything as if it is a conditional Patta. It is not the case of the respondents that it is a conditional assignment and due to violation, the assignment was cancelled and the Patta was also subsequently cancelled, whereas, the 1st respondent has only stated in the impugned order that there were certain irregularities or discrepancies and therefore, he cancelled the Patta. However, the 1st respondent has not stated in the impugned order as to what are all the discrepancies and irregularities. The petitioners produced the said Patta. It is seen that the 4th respondent has made the application only after execution of the settlement deed. Therefore, the 1st respondent should have maintained the Patta as per the revenue records and should have rejected the claim of the 4th respondent. If at all the 4th respondent has any right, interest or title, he should have approached the Civil Court and established the same. As far as Revenue proceedings are concerned, the authorities have to go only by the revenue records.

5. Since the 1st respondent has not given any specific discrepancies



and irregularities, this Court is not in a position to testify the same and that the reason assigned by the 1st respondent for cancelling the Patta is not satisfied.

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6. Therefore, the impugned order passed by the 1st respondent is set aside. The 1st respondent is directed to issue notice to the petitioners and to the 4th respondent, rival claimants/interested parties/objectors/adjacent land owners of the four boundaries of the subject land/aggrieved parties, if any as the case may be and conduct enquiry afresh in the manner known to law by considering all the documents and pass a fresh order on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order, un-influence by any of the observations made by this Court in this Writ Petition.

7. Accordingly, the matter is remitted back to the 1st respondent to conduct fresh enquiry after giving opportunity of hearing to all the parties as stated above and pass orders.

8. With the above directions, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petition in W.P.No.35703 of 2023 is closed. W.M.P. No.35702 of 2023 is ordered subject to payment of separate



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Court fee by each of the six petitioners.

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9. There shall be no order as to costs.

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



To

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Kallakurichi  
Kallakurichi District
2. The Revenue Divisional Officer  
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Kallakurichi  
Kallakurichi District

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**P.VELMURUGAN. J.**

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