



Order dated 14.02.2024
in W.P.No.694 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14.02.2024

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.694 of 2024

Velmurugan.C

.. Petitioner

Vs.

1. The Revenue Divisional Officer,
O/o the Revenue Divisional Officer,
Thiruthani,
Thiruvallur District, Tamil Nadu.

2. The Tahsildhar,
O/o The Tahsildhar RK Pet,
Thiruvallur District,
Tamil Nadu.

3. C.Palani

4. Ms.Kasthuri

..Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents to cancel the Patta issued in the name of the third and fourth respondents in respect of the petitioner's land in S.No.43/2 to an extent of 1 acre 30 cents at Pyvalasa Village, RK Pet, Thiruvallur District, considering the petitioner's representation, dated 22.06.2021.

For petitioner : Mr.P.R.Thiruneelakandan

For respondents: Mr.T.Arun Kumar, Addl.G.P. for RR-1 and 2
Mr.L.Ramu for RR-3 and 4



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ORDER

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents to cancel the Patta issued in the name of the third and fourth respondents in respect of the petitioner's land in S.No.43/2 of an extent of 1 acre 30 cents at Pyvalasa Village, RK Pet, Thiruvallur District, considering the petitioner's representation, dated 22.06.2021.

2. This is a simple Writ Petition for Mandamus to consider the representation, dated 22.06.2021.

3. Brief facts of the case are as follows:

(a) The land of an extent of 1 acre 30 cents in S.No.43/2 at Paivalasa Village, RK Pet Taluk, Thiruvallur Distirct, is the petitioner's ancestral property and it was in possession and enjoyment of the petitioner's grandfather Alli Chinnappa Reddy. All the Revenue Records pertaining to the said land, was mutated in his name, who died on 17.11.1996 leaving behind his three sons, Munusamy, Manickam and Chinakolandhai and a daughter Ranjidhammal. During the life-time of the petitioner's grandfather Alli Chinnappa Reddy, his properties were orally partitioned among his three sons around the year 1990 itself and in which the above said land of an extent of 1 acre 30 cents in S.No.43/2 at Paivalasa Village, was allotted to the petitioner's father Chinna



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Kuzhandhai, who died on 20.11.2017. After his demise, the petitioner and his brother Elumalai, sister Jayanthi, were in joint possession and enjoyment of the said land as his legal heirs. The Patta and other Revenue Records such as SLR stood in the name of grandfather Alli Chinnappa Reddy.

(b) While so, one Ravi forged Patta in his name in respect of the property in question and he claimed that he had possessory right over the said land, and he fraudulently executed a sham and nominal gift deed to his wife being the fourth respondent herein and registered at SRO, R.K.pet, subsequent to which, the said Kasthuri sold 65 cents out of 1 acre 30 cents under the sale deed in Doc.No.1698 of 2021, dated 09.06.2021 in favour of one Palani (third respondent herein).

(c) The aforesaid transactions came to light only in the year 2023, when the petitioner applied for Encumbrance Certificate in respect of the above property and hence, he made a representation, dated 09.04.2021 to the Tahsildar and Sub-Registrar seeking information under the Right to Information Act and the Patta was mutated in the name of the said Ravi and it is not known as to on what basis the said sale deeds were registered in the name of the third and fourth respondents in respect of the property in question.

(d) After getting information under the Right to Information Act, vide letter dated 17.06.2021, given by the SRO, the petitioner came to know that the



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aforsaid persons have fraudulently obtained Patta and on that basis, created forged sale deed, for which the petitioner made a complaint dated 22.06.2021 to the Revenue Authority to cancel the forged Patta and other Revenue Records in respect of the property and the petitioner also sought for cancellation of forged gift deeds in Doc.No.1321 of 2018 and forged sale deed Doc.No.1698 of 2021, SRO, RK Pet. Till date, the second respondent had not conducted any enquiry on the said complaint and based on the said complaint, the RDO conducted enquiry, and VAO was also summoned and enquired, but till date, no order has been passed and hence, the present Writ Petition is filed for the relief stated supra.

4. Taking into consideration the facts and circumstances of the case and taking into account the submissions made on either side, the second respondent is directed to issue notice to the respondents 3 and 4 and rival claimants/interested parties/objectors/adjacent owners, as the case may be, after giving notice to all the parties, conduct enquiry and pass appropriate orders in the manner known to law, if already not issued Patta and to conduct enquiry, if not conducted earlier and to pass orders, if not already passed and the said exercise shall be completed within a period of three months from the date of receipt of a copy of this order. In case the respondents have already conducted enquiry, necessary orders be passed in the manner known to law and



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the same shall be communicated to the petitioner. The petitioner is also at liberty to work out his remedy in the manner known to law .

5. With the above observations and direction, the Writ Petition is disposed of. There shall be no order as to costs.

14.02.2024

CS

To

1. The Revenue Divisional Officer,
O/o the Revenue Divisional Officer,
Thiruthani,
Thiruvallur District, Tamil Nadu.
2. The Tahsildhar,
O/o The Tahsildhar RK Pet,
Thiruvallur District,
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