



WP.No.38525 of 2024

04.10.2024, 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) Vide sale deed dated 24.7.1940 registered as doc.No.1367 of 1940 on the file of the Sub-Registrar, Kaveripakkam, his mother purchased 40 cents in S.No.112/1 out of a larger extent of acre 1.20 cents along with a share in the well. Thereafter, by reason of oral exchange, the entire extent of acre 1.20 cents fell to the share of the petitioner's mother. She executed a settlement deed dated 19.6.1979 in favour of the fourth respondent, who is none other than the brother of the petitioner, registered as doc.No.2404 of 1979 on the file of the same Sub-Registrar in respect of acre 1.20 cents along with other properties. Subsequently, patta No.466 was also issued in his favour.

(ii) In turn, the fourth respondent settled the entire extent in favour of his son - one Mr.Lakshmi Narayanan vide two settlement deeds. Thereafter, the revenue records were mutated in the name of the said Mr.Lakshmi Narayanan. Later, the petitioner and his wife purchased an extent of 86 cents in S.No.112/1A and another extent of 8 cents in S.No.112/1A respectively from the said Mr.Lakshmi



WP.No.38525 of 2024

Narayanan vide two separate sale deeds. The pattas were also issued in favour of both the petitioner and his wife regarding the same. However, without any notice to the petitioner, on 04.10.2024, the first respondent cancelled the patta standing in the name of the petitioner's vendor. Even the impugned order was not communicated to the petitioner.

(iii) The cancellation of patta was on the basis of an application given by the third respondent stating that the patta had been wrongly issued in respect of S.No.112/1B and to grant patta in his favour in respect of S.Nos.112/1A and 112/1B. However, the third respondent has not produced any documents to substantiate his claim. Before passing the impugned order, the first respondent conducted a roving inquiry by making reference to the right from the year 1919. The first respondent referred to several documents, which were not produced by the third respondent for the inquiry.

(iv) After purchase of the said properties by the petitioner and his wife, he constructed a farm house in the portion purchased by his wife and they are enjoying the entire property by cultivating fruit bearing trees. By the impugned order, the first respondent has now put the clock back to the year 1919 by directing the patta to be restored in the names of the mother of the third respondent and one



WP.No.38525 of 2024

Mr.Kuppusamy Mudali along with the name of the fourth respondent.

Thus aggrieved, the writ petition has been filed.

4. A mere perusal of the impugned order would reveal that no notice whatsoever has been issued to the petitioner or his vendor and without hearing them, the impugned order has come to be passed.

5. Hence, without going into the merits of the case, the writ petition is allowed, the impugned order is set aside and the matter is remitted back to the first respondent for a fresh consideration. The entire exercise shall be completed within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, the connected WMPs are closed.

17.12.2024

To

1. The District Revenue Officer
Ranipet District, Ranipet.
2. The Tahsildar, Nemili Taluk
Nemili, Ranipet District.

RS



WEB COPY



WP.No.38525 of 2024

P.T.ASHA,J

RS

WP.No.38525 of 2024 &
WMP.Nos.41735 & 41736
of 2024

17.12.2024