



WP.No.39141 of 2024

In the High Court of Judicature at Madras

Dated : 21.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.39141 of 2024 &
WMP.No.42391 of 2024

A.B.Govardhan

...Petitioner

Vs

1.The Revenue Divisional Officer,
Arni, Tiruvannamalai District.
632301.

2.The Tahsildar, Arni,
Tiruvannamalai District-632301.

3.S.Jothilingam
4.J.Sulochana
5.N.Amsammal

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 and 2 to consider the representations dated 09.7.2024 and 05.8.2024 made by the petitioner and to cancel the patta in patta No.114 granted in favour of the respondents 3 to 5 herein in respect of the lands measuring an extent of 57 1/4 cents out of the total extent of 3 acres and 09 cents comprised in S.No.131/1, Mullipattu Village, Arni Taluk, Tiruvannamalai District in accordance with law within a time frame as may be fixed by this Court.



WP.No.39141 of 2024

For Petitioner : Mr.W.M.Abdul Majeed
For R1 & R2 : Mr.A.Selvendran, SGP

ORDER

Seeking a direction to respondents 1 and 2 to consider his representations dated 09.7.2024 and 05.8.2024 to cancel the patta issued in favour of respondents 3 to 5 in respect of the property measuring 57 1/4 cents out of the total extent of 3 acres and 09 cents comprised in S.No.131/1, Mullipattu Village, Arni Taluk, Tiruvanamalai District, 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 lands measuring acres 3.09 cents comprised in S.No. 131/1, Mullipattu Village, Arni Taluk, Tiruvannamalai District originally belonged to one Mr.A.S.Karthikeyan. The said lands were purchased jointly by (i) Mr.B.V.Munirathinam Reddy (ii) Mr.B.M.Amarnath (iii) Mr.R.Sundaravel and (iv) Mr.V.G.Krishna Reddy vide sale deed dated 04.5.1993 registered as doc.No.37 of 1993 on the file of the Sub-Registrar, Arni. They were in possession and enjoyment from the date of purchase. They also mutated the revenue records in their favour



WP.No.39141 of 2024

and were issued a joint patta.

(ii) The petitioner purchased the subject property vide sale deed dated 07.1.2002 registered as doc.No.933 of 2002 on the file of the Sub-Registrar, Arni from the said Mr.R.Sundaravel namely his 1/4th share for a valid sale consideration. Ever since the date of purchase, the petitioner has been in possession and enjoyment of the subject property. In the meanwhile, during his life time, the said Mr.A.S. Karthikeyan - the original owner executed a power of attorney deed dated 24.2.1992 in favour of one Mr.M.Ramalingam. Subsequently, the said Mr.A.S.Karthikeyan cancelled the said power of attorney deed by cancellation deed dated 20.4.1993 registered as doc.No.175 of 1993 on the file of the District Registrar, Vellore. Only thereafter, the said Mr.A.S.Karthikeyan executed the sale deed dated 04.5.1993 in favour of the said (i) Mr.B.V.Munirathinam Reddy (ii) Mr.B.M.Amarnath (iii) Mr.R.Sundaravel and (iv) Mr.V.G.Krishna Reddy.

(iii) During the interregnum period, with a view to grab the said properties and suppressing the cancellation of the power of attorney deed dated 20.4.1993, the said Mr.M.Ramalingam alleged to have executed three sale deeds dated 21.1.1993, 22.1.1993 and 29.1.1993 in favour of respondents 3 to 5, who are all his close relatives and they were registered as doc.Nos.2499, 2500 and 2501 of 1995. On coming



WP.No.39141 of 2024

to know about the sale deeds executed by the said Mr.M.Mahalingam, the said Mr.B.V.Munirathinam Reddy, the said Mr.B.M.Amarnath and the said Mr.R.Sundaravel filed a suit in O.S.No.817 of 1995 on the file of the District Munsif Court, Arni against the said Mr.A.S.Karthikeyan, the said Mr.M.Mahalinam and respondents 3 to 5 seeking to cancel the sale deeds dated 22.1.1993, 22.1.1993 and 29.1.1993 and it was dismissed by judgment and decree dated 20.12.2002.

(iv) As against the said judgment and decree dated 20.12.2002, the plaintiffs in the said suit filed an appeal in A.S.No.49 of 2004 on the file of the Sub-Court, Arni and it ended in dismissal by judgment and decree dated 03.8.2005. Challenging the said judgment and decree of the First Appellate Court, the plaintiffs in the said suit filed S.A.No.192 of 2007 on the file of this Court and it also ended in dismissal by judgment and decree dated 03.6.2019. Further, the review application in Rev.A.No.148 of 2019 filed by the plaintiffs in the said suit is still pending.

(v) At a later point of time, when the petitioner perused the revenue records, to his shock and surprise, he came to know that the patta has been issued in favour of respondents 1 to 3 by the second respondent in respect of the subject property. Hence, the petitioner sent a representation dated 09.7.2024 to respondents 1 and 2 seeking



WP.No.39141 of 2024

to take action against respondents 3 to 5 for getting a fraudulent patta in their favour, to cancel the patta issued in their favour by the second respondent and to issue a patta in favour of the petitioner. He also sent a reminder dated 05.8.2024 to respondents 1 and 2 with the same request. But, it did not evoke any response. Hence the writ petition.

4. Considering the limited nature of the relief sought, the writ petition is allowed and a Mandamus is issued to the first respondent to consider the said representations of the petitioner dated 09.7.2024 and 05.8.2024 and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected WMP is closed.

21.12.2024

Index : Yes (or) No
Neutral Citation : Yes (or) No

To

- 1.The Revenue Divisional Officer,
Arni, Tiruvannamalai District.
632301.
- 2.The Tahsildar, Arni,
Tiruvannamalai District-632301.

RS



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WP.No.39141 of 2024

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RS

WP.No.39141 of 2024&
WMP.No.42391 of 2024

21.12.2024