



W.P.(MD) No.11068 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2024

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

**W.P.(MD) No.11068 of 2024
and
W.M.P.(MD) No.9861 of 2024**

K.Jansirani

... Petitioner

/vs./

**1.The District Revenue Officer,
District Revenue Office,
Sivagangai,
Sivagangai District.**

**2.The Revenue Divisional Officer,
Revenue Divisional Office,
Devakottai Taluk,
Sivagangai District.**

3.C.Pandidurai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to impugned order dated 08.11.2023 in Mu.Mu.P5/2916/2020 on the file of 1st respondent and quash the same as illegal and consequently direct the 1st and 2nd



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respondents to restore the patta No.84 in respect of SF No.18/12 having extent of 11 cents situated Velangudi Village, Velangudi Group, Karaikudi Taluk, Sivagangai District.

For Petitioner : Mr.B.Prasanna Vinoth

For R1 & R2 : Mr.B.Saravanan
Additional Government Pleader

ORDER

The above writ petition has been filed for the issue of a Writ of Certiorarified Mandamus to quash the order dated 08.11.2023 passed in Mu.Mu.P5/2916/2020 by the first respondent and to direct the respondents 1 and 2 to restore the patta No.84 in respect of SF No.18/12 situated at Velangudi Village, Velangudi Group, Karaikudi Taluk, Sivagangai District.

2. It is the case of the petitioner that the property referred above belonged to one Alagathammal and Lakshmiammal, who were the wives of one Rengasamy Iyengar. They had executed a Will in favour of their foster child, Seethalakshmi on 21.09.1937 in respect of the property in S.F.No.18/12. On their demise, Seethalakshmi became the absolute owner of the property. She had also obtained a patta in GR.No.84 for the property. Thereafter, she had executed a registered



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general power of attorney dated 20.06.2017 in favour of one Kannan in respect of the above property. The power agent thereafter sold the property to the petitioner's mother, Pushpam under a registered sale deed dated 19.05.2008 and the petitioner's mother had settled the property in favour of the petitioner under registered Doc.No.1397 dated 23.05.2008. She would submit that her mother is a *bona fide* purchaser from the power agent of Seethalakshmi.

3. While so, the third respondent made a claim upon the property relying upon the sale deed executed by Lakshmi in the year 1966 in favour of his vendor, Sabapathy Ammal. The four boundaries given therein and the four boundaries of the petitioner's land are not the same. It is also the contention of the petitioner that the parent deed under which the said Sabapathy Ammal had purchased the property did not contain a survey number and it was only when the said Sabapathy Ammal had executed a power of attorney in favour of Sundaram that the survey number had been included as S.F.No.18/12. The affidavit filed in support of this writ petition does not give any details about how or why the impugned order has come to be passed. Therefore, this Court is constrained to decipher the petitioner's case from reading the documents.



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4. A perusal of the order of Revenue Divisional Officer, Devakottai dated 26.10.2015 bearing Pa.Moo.A1-3881-2012 would indicate that the third respondent has filed an application to cancel the patta granted to the petitioner and consequently to grant patta in his name. The suit O.S.No.118 of 2018 had been instituted by the third respondent herein before the Principal Munsif Court, Karaikudi, stating that the property comprised in S.F.No.18/12 was in his possession and that the respondents were interfering with his possession. The suit was dismissed.

5. Challenging the same, the petitioner herein had filed A.S.No.38 of 2008 on the file of the Sub Court, Devakottai. The said appeal was also dismissed, against which the petitioner has filed second appeal before this Court with delay in M.P.No.1 of 2011 in S.A.SR.(MD) No.52160 of 2011. Therefore, the Revenue Divisional Officer has come to the conclusion that the patta has been wrongly issued in favour of Seethalakshmi, under whom the petitioner claims and had cancelled the patta. Challenging the same, the petitioner had filed a Revision before the first respondent. The first respondent also took note of the fact that the



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petitioner had withdrawn M.P.No.1 of 2011 in S.A.SR.(MD) No.52160 of 2011 on 08.02.2012 and therefore, confirmed the order passed by the second respondent. It is against this order that the petitioner is before this Court.

6. A counter has been filed *inter alia* contending that the revenue records, namely the Settlement A Register as well as GR.SF.(1) in patta No.84 stood in the joint names of Re.Kanagathammal, Re.Lakshmiammal. All of a sudden, the name was changed into Seethalakshmi. The third respondent has filed an appeal before the second respondent to cancel the patta and after following due process of law and taking note of the fact that a civil suit filed by the petitioner for permanent injunction has been dismissed by both the Courts below and the second appeal had been withdrawn, the respondents 1 and 2 have cancelled the patta standing in the name of Seethalakshmi.

7. Heard the learned counsel on either side.

8. The suit O.S.No.118 of 2008 has been dismissed on the ground that there is no evidence to show the title or possession to the property. The findings of the



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civil Court has also been confirmed in the first appeal in A.S.No.38 of 2008 by the Sub Court, Devakottai and the second appeal which has been filed with delay has also been withdrawn by the petitioner. Therefore, the findings of the civil Court and its orders had become final. Having failed to prove any semblance of a title or possession to the suit property, the petitioner cannot seek to challenge the impugned order. Consequently, the writ petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

01.10.2024

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To

1.The District Revenue Officer,
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Sivagangai,
Sivagangai District.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
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P.T.ASHA, J.

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