



W.P.(MD)No.21952 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.12.2024

CORAM

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD)No.21952 of 2024

and

W.M.P(MD)No.18594 and 18596 of 2024

Saravanaphavan

... Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Sivagangai District.
- 2.The District Revenue Officer,
Office of the District Revenue Office,
Sivagangai.
- 3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Devakottai,
Sivagangai District.
- 4.The Tahsildar,
Karaikudi Taluk Office,
Karaikudi,
Sivagangai District.
- 5.Janani Visalakshi
Represented by her Power Agent,
Ganesan

6.E.M.V.M.Banumathi

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the third respondent in his proceedings in Pa Mu Aa1/102/2024, dated 15.05.2024 and quash the same as illegal and unconstitutional and consequently directing the third respondent herein to restore the patta in favour of the petitioner's vendor in respect of the property comprised in Old S.No.69/1B, New S.No.69/30 situated at Puduvayal Village, Sakkottai Group, Karaikudi Taluk, Sivagangai District enabling the petitioner to transfer in his name.

For Petitioner : Mr.D.Senthil

For R1 to R4 : Mr.M.Muthumanikkam
Government Advocate

For R5 : Mr.Karthikeya Venkatachalapathy

For R6 : Mr.K.K.Samy

ORDER

The writ petition has been filed challenging the order, dated 15.05.2024 and consequently, directing the third respondent herein to restore the patta in favour of the petitioner's vendor in respect of the property comprised in Old S.No.69/1B, New S.No.69/30 at Puduvayal Village, Sakkottai Group, Karaikudi Taluk, Sivagangai District enabling the petitioner to transfer in his name.

2. The fifth respondent developed housing plots in S.No.69/1 at Karumariamman Street, New Ward No.7, E.M.Vedapatasalai Thopu Old Ward



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No.5, Pudivayal Village, Sakkottai Union, Karaikudi Taluk, Sivagangai District after getting DTCP approval. The petitioner purchased Plot No.12 through his power agent under sale deed, dated 01.04.2024. At the time of purchase, the patta stood in the name of the petitioner's vendor, the fifth respondent herein. The petitioner approached the bank authorities for sanction of loan and at that time, he was informed that he has to obtain patta for the said property. When the petitioner initiated steps for availing patta, he came to know that the sixth respondent, who was the grandmother of the fifth respondent had filed the petition before the third respondent for cancellation of patta issued in favour of the fifth respondent, the petitioner's vendor. The petitioner on further enquiry came to know that the sixth respondent had filed writ petition before this Court in W.P(MD)No.1454 of 2024 for cancellation of patta issued in the name of the petitioner's vendor, the fifth respondent. The said writ petition was disposed of with direction to the third respondent herein to consider the sixth respondent's application, dated 05.01.2024, and pass appropriate orders on merits and in accordance with law after conducting enquiry within a period of 12 weeks from the date of receipt of a copy of the order. In pursuance of the order passed by this Court, the third respondent passed the impugned order cancelling patta issued in the name of the fifth respondent. Aggrieved by the impugned order, the petitioner filed the above writ petition for the aforesaid relief.



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3. At the time of hearing, the learned counsel for the fifth respondent submitted that the fifth respondent has filed a revision under Section 13 of the Tamil Nadu Patta Passbook Act, to the second respondent in Na.Ka.B1/28897/2024, and the same is pending. The learned counsel for the fifth respondent therefore submitted that the writ petition should not be entertained.

4. Heard both sides and perused the materials placed on record.

5. The petitioner purchased the plot No.15, from the fifth respondent, who promoted a lay out in S.No.69/1 at Karumariamman Street, New Ward No. 7, E.M.Vedapatasalai Thopu Old Ward No.5, Pudivayal Village, Sakkottai Union, Karaikudi Taluk, Sivagangai District, after getting DTCP approval. The original patta stood in favour of the petitioner's vendor, the fifth respondent herein, but due to some disputes between the fifth respondent and the sixth respondent, her grandmother, the patta issued in the favour of the fifth respondent was cancelled by the impugned order. The fifth respondent, hence approached the second respondent by way of revision against the impugned order.



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6. In the light of the above and in view of the fact that the matter is pending before the second respondent at the instance of the fifth respondent, I am of the view that it would be appropriate to issue direction to the second respondent to consider the revision petition filed by the fifth respondent after notice to all the interested parties, including the petitioner herein, conduct the enquiry as per procedure and thereafter pass orders on merits and in accordance with law. It is needless to state that the petitioner is at liberty to submit all documents in support of his submissions. The second respondent is directed to complete the entire exercise within a period of 12 weeks from the date of receipt of a copy of this order.

7. Accordingly, the writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petitions are closed.

11.12.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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N.MALA, J.

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