



W.P.(MD) No.17723 of 2016

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2024

CORAM

THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.17723 of 2016

and

W.M.P.(MD) Nos.12759 and 12760 of 2016

S.Raman

... Petitioner

/vs./

1.The Tahsildar,
Thirumayam Taluk,
Pudukkottai District.

2.Ariyal

3.The District Revenue Officer,
Pudukkottai.

4.The Revenue Divisional Officer,
Pudukkottai.

*(R3 and R4 have been impleaded vide
order dated 28.08.2024)*

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to



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the impugned order of Transference from Patta No.1196 to Patta No.1374 relating to the property bearing S.No.323/7 in Valaramanickam Village, Thirumayam Taluk, Pudukkottai District by the 1st respondent herein and quash the same and to restore the property to Joint Patta No.1196.

For Petitioner : Mr.R.Sundar Srinivasan

For R1, R3 & R4 : Mr.D.S.Nedunchezian
Government Advocate

For R2 : Mr.K.Balasubramanian
Senior Counsel

ORDER

The petitioner seeks to quash the order transferring the property bearing S.No.323/7 in Valaramanickam Village, Thirumayam Taluk, Pudukkottai District from patta No.1196 to patta No.1374 and restore the same to joint patta No.1196.

2. The brief facts are as follows:-

2.1. The property bearing S.No.323/7, measuring an extent of 9.62.5 hectares, at Valaramanickam Village, Tirumayam Taluk, Pudukkottai District was included in patta No.1063 and stood in the joint names of Albert J.S.Dass,



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MR.Kulanthainathan and Peter Selvaraja. The second respondent herein claims that she had purchased the property from one of the joint pattadhars, Albert J.S.Dass under a registered sale deed dated 26.05.2004. The petitioner had purchased 4 acres and 29 cents out of 5 acres from the legal representatives of the other pattadhar, Kulanthainathan by means of a registered sale deed dated 14.09.2005. Therefore, the joint patta should have been issued to the petitioner along with the other pattadhars. The petitioner had approached the first respondent's Office for transferring the patta to include his name in the patta. However, the petitioner was shocked to learn that the entire property stood in the name of the second respondent and the Tahsildar/the first respondent directed the petitioner to file an appeal before the Revenue Divisional Officer, Pudukkottai.

2.2. The Revenue Divisional Officer, Pudukkottai, on perusal of the records ordered issuance of joint patta and joint patta No.1196 came to be issued. A computerised patta was also granted on 30.03.2015. The patta stood in the name of the petitioner and the second respondent. It appears that the second respondent had filed a Revision before the District Revenue Officer, Pudukkottai against the aforesaid order. The District Revenue Officer had passed an interim order on



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15.10.2009 without affording any opportunity to the petitioner observing that since the petitioner's sale deed was subsequent to the sale deed in favour of the said Ariyal/the second respondent, the same is invalid and therefore, the order of the Revenue Divisional Officer, Pudukkottai granting joint patta was stayed. The petitioner has not received any notice to date in respect of the Revision.

2.3. Thereafter, the petitioner had filed a writ petition in W.P.(MD) No. 11236 of 2009 on the file of this Court against the aforesaid interim order dated 15.10.2009 and the same is pending (now the same stands dismissed for default). The petitioner would submit that when he had been searching the status of the property in online, he found that different patta had been allotted for the property and it stood in the name of the second respondent. There is no enquiry or notice before issuance of the said patta and therefore, the petitioner has come forward with this writ petition to quash the transfer order and for reverting the patta back to the original position as joint patta No.1196.

3. The first respondent has filed a counter statement questioning the filing of the writ petition. In the counter, the first respondent is seeking to trace the title



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with reference to the aforesaid property. He would submit that an extent of 9.69.5 hectares in SF.No.323/7 at Valaramanickam Village, Thirumayam Taluk, Pudukkottai District was entered in patta No.1063 in the names of A.Albert J.S.Doss and Kulanthainathan. Kulanthainathan was a religious preacher and he died without leaving behind him surviving any legal representatives, as he was a bachelor. A.Albert JS Doss was the cousin of the said Kulanthainathan. The second respondent had purchased the land in SF.No.323/7 from A.Albert JS Doss. The petitioner on the other hand had purchased 4 acres and 29 cents from the legal representatives of Kulanthainathan.

4. The first respondent would further submit that since the second respondent had purchased the entire land in the year 2004 from the pattadhar, A.Albert JS Doss, the patta was transferred in favour of the second respondent. Aggrieved by this order, the petitioner had filed an appeal before the Revenue Divisional Officer, Pudukkottai, who had ordered for issuance of the joint patta in the name of the petitioner and the second respondent. The second respondent had moved a Revision and obtained a stay and therefore, the land was entered in the name of the second respondent in the revenue records.



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5. In the counter, the first respondent would further submit that the stay had been granted only on account of the fact that the second respondent had purchased the property earlier in point in time and therefore, the revenue records in respect of the land was entered in the name of the second respondent. The second respondent has not filed any counter, but submissions were made by the learned Senior Counsel on her behalf.

6. Heard the learned counsel on either side.

7. Admittedly, the property in question belonged to three persons, Albert J.S.Dass, MR.Kulanthainathan and Peter Selvaraja, who had been granted patta in patta No.1063. All of them had equal right in the property and therefore, each of them were entitled to 1/3rd share. While so, the said Albert J.S.Dass had sold the entire property to the second respondent on 26.05.2004, whereas the petitioner had purchased 4 acres and 29 cents from out of 5 acres from the legal representatives of Kulanthainathan. The Revenue Divisional Officer has cancelled the order and had issued joint patta to the petitioner as well as the second



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respondent. The third respondent had granted an interim order. Taking advantage of the stay, it appears that the first respondent has cancelled the joint patta granted by the second respondent and issued exclusive patta to the second respondent. Therefore, the patta granted on the premise that since the stay has been granted, it has to be inferred that the patta should be granted to the second respondent is totally misconceived and therefore, the order transferring the patta to the second respondent has to necessarily be set aside and the revenue records are directed to be restored to the earlier state. The interim order dated 15.10.2009 shall continue till the disposal of the Revision by the Revenue Divisional Officer.

8. In fine, the Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

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

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P.T.ASHA, J.

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