



W.P.(MD) No.18834 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.18834 of 2016

N.Nagarajan

.. Petitioner

Vs.

- 1.The District Collector,
Collectorate,
Tamil University Road,
Thanjvur.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Dr.Murthy Road,
Kumbakonam-612 001.
- 3.The Assistant Commissioner (Land Reforms),
Office of the Assistant Commissioner (Land Reforms),
Mayiladuthurai.
- 4.The Tahsildar,
Taluk Office, Dr.Murthy Road,
Kumbakonam-612 001.
- 5.The District Registrar,
Office of the District Registrar,
Dr.Murthy Road,
Kumbakonam-612 001.



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6.The Joint Sub-Registrar No.1,
Office of the Registrar,
Dr.Murthy Road,
Kumbakonam-612 001.

7.K.Velmurugan

8.Vedaselvam

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Declaration that the proceedings in MR IV/7A/37-72/KBK, dated 21.10.2005 on the file of the 3rd respondent is null and void and non est and consequently for a direction to the respondents 1 to 4 to delete the name of K.Kandasamy or the 7th respondent, from the Revenue records including Patta, Chitta, Adangal and Town Survey register in respect of the property in T.S.No.147/1B, in 114, Ullur Village in Kumbakonam Taluk, Thanjavur District.

For Petitioners : Ms.H.Lakshmi Shankar

For R1 – R6 : Mr.B.Saravanan
Additional Government Pleader

For R7 & R8 : No Appearance

ORDER

Seeking a writ of declaration that the proceedings, dated 21.10.2005 on the file of the 3rd respondent as null and void and for a



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consequential direction to the respondents 1 to 4 to delete the name of K.Kandasamy or the 7th respondent from the revenue records including the Patta, Chitta, Adangal and Town Survey Register in respect of T.S.No.147/1B in 114, Ullur Village in Kumbakonam Taluk, Thanjavur District, the petitioner is before this Court.

2. It is the case of the petitioner that an extent of 94 cents was declared as surplus lands by the 3rd respondent. These lands were assigned to one K.Kaliyaperumal under a deed of assignment by proceedings, dated 02.08.1977 on payment of the value of the land. The said Kaliya Perumal is the paternal uncle of the 7th respondent. His father Kandasamy is the brother of the said Kaliyaperumal. The petitioner would further submit that the said Kaliyaperumal had paid the entire consideration in instalments as early as in the year 1987 and he was granted patta by the 3rd respondent in his proceedings, dated 11.04.1994 under Patta No.714. Under two sale deeds, dated 06.03.1996 and 07.03.1996, the property was sold in favour of two minors, namely A.V.Ranjith and A.V.Srikanth, each purchasing 47 cents on north and



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south respectively. The purchasers had obtained patta in their names vide proceedings of the Tahsildar, dated 24.02.2000.

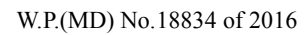
3. On attaining majority, A.V.Srikanth sold an extent of 1650 sq.ft in T.S.No.147/1B in favour of one R.Alamelu Mangai, from whom the petitioner had purchased the said extent of 1650 sq.ft under a registered sale deed, dated 17.05.2004. One Vijayalakshmi had purchased the other extent from A.V.Srikanth on 11.06.2001, from whom the petitioner had purchased an another extent of 1650 sq.ft under a registered sale deed. Therefore, the petitioner is the absolute owner of 3300 sq.ft in T.S.No. 147/1B. After the death of Kaliyaperumal and after patta had been granted to the subsequent purchasers, suppressing all these facts, the 7th respondent's father had approached the 3rd respondent for transfer of patta in his name by projecting that he was the sole legal heir of the said Kaliyaperumal. Without conducting any enquiry, the 3rd respondent has passed an order, dated 21.10.2005 transferring the patta from Kaliyaperumal's name to K.Kandasamy i.e., 7th respondent' father. On the basis of this order which is prima facie baseless, he had executed a



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settlement in favour of his son 7th respondent on 03.08.2009. The 7th respondent has given power of attorney to the 8th respondent. The proceedings of the 3rd respondent, dated 21.10.2005 in and by which patta had been granted to Kandasamy as well as the settlement are fraudulently created documents.

4. The petitioner would submit that when he had attempted to put up construction, the same was obstructed and that point of time, he came to know about the patta which had been granted in favour of the 7th respondent's father. It is also argued that a patta cannot be granted by the land reforms authority and it is only the Tahsildar who is the competent authority to issue the patta whereas the order, dated 21.10.2005 has been issued by the land reforms authority. Therefore, it is one without jurisdiction. The learned counsel for the petitioner also alleged that these documents appears to be fraudulent as there is no trace of the said order in the records maintained by the respondents. That apart, the entry in the patta has been made on the basis of the above impugned order along with the petitioner's name. Therefore, the petitioner has come forward with



5. Though notice has been served on the respondents 7 and 8, there representation either through counsel or in person.

7. It is an admitted case that the property originally belonged to one Kaliyaperumal. He having purchased the same by was of an assignment on 02.08.1977. The 7th respondent's father has totally suppressed the various alienations done in respect of the said property.



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The patta granted in favour of the petitioner as well as his predecessors in title have not been taken note of. The 7th respondent has not produced any document to substantiate their right to the property in question. The counter affidavit does not deny the contention of the petitioner that the impugned order appears to be a fabricated one. The impugned order does not give any reasons and the same is liable to be set aside. Accordingly, the impugned order, dated 21.10.2005 is set aside and the name of the 7th respondent's father i.e., Kandasamy is directed to be deleted from the revenue records.

8. With the above observations, this Writ Petition stands allowed.

No costs.

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NCC : Yes/No

Index : Yes/No

Internet : Yes

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P.T.ASHA, J.

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