



W.P.(MD) No.3235 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.3235 of 2016

and

W.M.P(MD)No.2831 of 2016

G.Maridas

... Petitioner

Vs.

1.The District Revenue Officer,
Madurai District, Madurai.

2.The Revenue Divisional Officer,
Usilampatti,
Madurai District.

3.The Tahsildar,
Usilampatti,
Madurai District.

4.R.Karthick

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the 1st respondent in his proceedings Nee.Mu.No.G2/60636/2015, dated 15.12.2015 and quash the same and further direct the 1st respondent to issue patta in the name of the



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petitioner in respect of land bearing S.No.255/3A measuring 0.16.0 Hec. situated at Thumbakundu village, Usilampatti Taluk, Madurai District.

For Petitioner : Mr.PT.S.Narendra Vasan
For R1- R3 : Mr.D.S.Nedunchezian
Government Advocate
For R4 : Mr.R.Subramanian

ORDER

The petitioner seeks to quash the order, dated 15.12.2015 passed by the 1st respondent and further direct the 1st respondent to issue patta in the name of the petitioner in respect of the land bearing S.No.255/3A measuring 0.16.0 Hec. situated at Thumbakundu village, Usilampatti Taluk, Madurai District.

2. It is the case of the petitioner that the aforesaid property was purchased by him from one Sulochana w/o Annamalai Chettiar under a registered sale deed, dated 24.02.2009. The petitioner has been in possession and enjoyment of the same since the date of his purchase. The property in question originally belonged to one Sridaran who is none else



than the son of petitioner's vendor Sulochana. The said Sridaran had died bachelor issueless and patta was transferred in the name of Sulochana by an order, dated 27.05.2008. The revenue authorities had also transferred the patta to the petitioner's name in Patta No.1715.

3. While so, the patta issued to the petitioner was cancelled and patta issued to the 4th respondent by the 3rd respondent without even issuing notice to the petitioner and giving him an opportunity. The petitioner would submit that the sale deed in favour of the 4th respondent was on 27.01.2010 subsequent to the sale in favour of the petitioner. Thereafter, the petitioner had filed an appeal to the 2nd respondent to cancel the patta. The 2nd respondent after hearing the parties, had cancelled the same, against which the 4th respondent had preferred a revision to the 1st respondent and the 1st respondent proceeded to pass the impugned order setting aside the order passed by the 2nd respondent. Aggrieved by the same, the petitioner is before this Court.

4. The main arguments advanced is that the sale deed in favour of



the 4th respondent was subsequent in point of time to that of the petitioner. The 4th respondent has filed a detailed counter wherein he has traced his title in paragraph no.4 and 5 as follows:

“3. After the demise of Andi Thevar, his widow and sons executed two registered sale deeds dated 26.04.1949 (Doc.No. 697 of 1949) and 02.05.1950 (Doc.No.1151 of 1950) selling the entire property bearing S.No.255/3 of Thummakundu Village measuring 1 acre 37 cents in favour of Perumal Eagali, S/o Perumal Eagali. Perumal Eagali had become the absolute owner of the above property. Subsequently, in the middle of the above property Government formed Thummakundu-Perukamanallur Road and the remaining land on the northern side was subdivided as S.No.255/3A measuring 16 ares and the land on the southern side was subdivided as S.No.255/3B measuring 37 ares. After the demise of Perumal Eagali, his legal heirs, namely Pitchari Eagali and Periyasamy Eagali, succeeded the above properties, and they enjoyed the same by obtaining Patta No.1786. Subsequently in a family arrangement, the property bearing S.No.255/3A was allotted to the share of Periyasamy Eagali and in turn, he sold the same to me by a registered sale deed dated 27.01.2010, and I took possession of the same. Revenue records were mutated in my name, and Patta No. 1812 was issued to me.



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4. I submit that the petitioner herein has no right over the subject property. The petitioner herein is a busybody and trying to usurp my property. Challenging the patta issued to me, the petitioner filed an appeal before the 2nd respondent, contending that the subject property bearing S.No.255/3A was an ancestral property of his vendor's son Sridharan. and after his demise, the property was succeeded by his vendor Sulochana, who sold the same to him by a sale deed dated 24.02.2009. The petitioner did not produce any title deeds. The 2nd respondent, without considering any of my contentions in proper perspective, allowed the appeal, and the same has been reversed by the 1st respondent, holding that the petitioner has no right over the subject property and he did not produce any title deed to prove his title over the subject property. Challenging the same, the petitioner has filed the present writ petition. The petitioner or his predecessor in title has no right over the subject property, and their whole claim, based on a mistaken entry in UDR, is not sustainable in law. The petitioner has suppressed the title deeds and other documents I produced before the authorities. The 1st respondent has elaborately considered the contentions of both parties and the documents produced and arrived at a conclusion that I am entitled to have patta for the subject property....”

5. It is the case of the 4th respondent that there is absolutely no



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explanation or documents as to how Sridaran had got the title to the property. The learned counsel for the 4th respondent would submit that the 1st respondent has taken into consideration all these documents and thereafter passed the order impugned in this writ petition.

6. Heard the learned counsel on either side.

7. As rightly held by the 1st respondent, the 4th respondent has been able to trace their title to the year 1946 and the petitioner has not been able to prove as to how his predecessor in title had got the right to the property in question. Therefore, I see no reason to interfere with the order passed by the 1st respondent. It is well open to the petitioner to move the Civil Court as observed by the 1st respondent in the impugned order.

8. With the said observations, this Writ Petition stands dismissed.
No costs. Consequently, connected Miscellaneous Petition is closed.

24.10.2024

NCC : Yes/No



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Index : Yes/No

Internet : Yes

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P.T.ASHA, J.

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