



W.P.(MD) No.11426 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2024

**CORAM:**

**THE HONOURABLE MS.JUSTICE P.T.ASHA**

**W.P.(MD) No.11426 of 2017**

**and**

**W.M.P(MD)No.8782 of 2017**

V.Mahenderan

.. Petitioner

Vs.

1.The District Revenue Officer,  
Karur,  
Karur District.

2.The Revenue Divisional Officer,  
Karur,  
Karur District.

3.The Tahsildar,  
Karur,  
Karur District.

4.The Village Administrative Officer,  
Puliyur Village,  
Karur Taluk,  
Karur District.

5.V.P.Selvaraj

.. Respondents



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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 impugned proceedings of 1<sup>st</sup> respondent by order, dated 24.04.2017 made in Na.Ka.No.C3/5394/2014 confirming the order of the 2<sup>nd</sup> respondent, by order dated 12.02.2014 made in Na.Ka.No. A2/3525/2013 in respect of S.F.No.1772/10 situated at P.Velalapatti, Puliur Village, Karur Taluk, Karur quash the same as illegal arbitrary and contrary to the procedures established under Tamilnadu Patta Passbook Act and consequently directing the 1<sup>st</sup> and 2<sup>nd</sup> respondents to restore the patta in Patta No.1241.

For Petitioner : Mr.N.Shanmugaselvam  
For R1 – R4 : Mr.D.S.Nedunchezian  
Government Advocate  
For R5 : Mr.M.P.Senthil

### **ORDER**

Seeking to quash the order passed by the 1<sup>st</sup> respondent on 24.04.2017 and consequently directing the 1<sup>st</sup> and 2<sup>nd</sup> respondents to restore the patta in Patta No.1241, the petitioner is before this Court.



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2. It is the contention of the petitioner that the property in S.F.No. 1772/10 in P.Vellalapatti, Puliur village, Karur belonged to his father Venkadachalam s/o Kalianna Gounder. Originally, the entire land in S.F.No.1772 measuring a total extent of 8.43 acres belong to the petitioner's grand father Kalianna Gounder under a registered sale deed bearing document no.270/1949. The said Kalianna Gounder thereafter settled 2/3 of the land in favour of his brother Muthusamy Gounder and his brother's son Ponnusamy Gounder. Three of them later jointly executed a sale deed in respect of an extent of 0.87 cents in favour of Chettinadu Cement Factory. Thereafter, the lands in S.F.No.1772 was subdivided into S.F.Nos.1772/1 to 1772/10. There was a further subdivision as S.F.Nos.1772/1A, 1772/2A, 1772/3A and patta was individually issued in respect of these subdivisions to the respective legal heirs of Kalianna Gounder, namely Subramani s/o Veerakutti, Venkadachalam s/o Kalianna Gounder and Palanichamy s/o Kaliana Gounder. The said Kalianna Gounder died intestate leaving behind him surviving his sons Veerakutti, Venkadachalam and Palanisamy. By an oral partition, the land in S.F.No.1772/10 was assigned to the petitioner's



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father Venkadachalam and a separate patta was granted to him in Patta No.1241.

3. While so, without giving any notice to the petitioner and conducting an enquiry, the exclusive patta standing in the name of the petitioner's father was altered and the names of Selvaraj s/o Palanisamy and Subramani s/o Veerakutty were added and the patta was assigned with a new number, namely Patta No.2968. The petitioner immediately moved an application before the 2<sup>nd</sup> respondent to remove the name of the 5<sup>th</sup> respondent and one Subramani s/o Veerakutty stating that the change has been made without notice to the petitioner and to restore the patta in the name of Venkadachalam. Without even considering the submission made by the petitioner and relying on the joint sale deed in the name of Kalianna Gounder, the petitioner's grand father, the name of the 5<sup>th</sup> respondent had been included by the impugned order. Therefore, the petitioner had filed a review application before the 1<sup>st</sup> respondent and the 1<sup>st</sup> respondent also has confirmed the order passed by the 2<sup>nd</sup> respondent. Therefore, the petitioner is before this Court.



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4. The learned counsel for the petitioner would submit all these manipulations have taken place only on account of the fact that the 5<sup>th</sup> respondent is a Village Administrative Officer and had therefore created these revenue records. The learned counsel appearing for the 5<sup>th</sup> respondent on the other hand would submit that a suit for partition has been filed against the petitioner herein (7<sup>th</sup> defendant) and the 5<sup>th</sup> respondent. The property which is the subject matter of this writ petition is also the subject matter of the suit and the same was dismissed on 14.03.2019. However, the trial Court observed that the properties in B, C and D schedule therein which included the property now in question are joint family properties. Ultimately, the suit was dismissed. Challenging the same, the petitioner has filed A.S.No.202 of 2019 on the file of this Court and the same is pending disposal. He would further submit that the impugned order cannot be called in question.

5. Admittedly, the names of the 5<sup>th</sup> respondent and Subramani have been added on the ground that the property is the joint family property in the light of the finding of the learned Additional Sessions Judge (Fast



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Track Court), Karur in O.S.No.39 of 2017 which is yet to be set aside and reversed. The impugned order appears to be in order.

6. Therefore, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

**23.09.2024**

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

- 1.The District Revenue Officer,  
Karur,  
Karur District.
- 2.The Revenue Divisional Officer,  
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- 3.The Tahsildar,  
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**P.T.ASHA, J.**

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