



W.P.(MD) No.15477 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.15477 of 2017

and

W.M.P(MD)No.12234 of 2017

Durairaj (Died)

2.D.Karunakaran

3.D.Puppy

4.D.Suganya

... Petitioners

*(P2 to P4 are substituted vide Court order, dated 29.08.2024 in
W.M.P(MD)No.10840 of 2024)*

Vs.

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The District Revenue Officer,
Pudukkottai District,
Pudukkottai.

3.The Revenue Divisional Officer,
Illupur,
Pudukkottai.



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4.The Tahsildar,
Kulathur Taluk,
Pudukkottai District.

5.The Sub-Registrar,
Kulathur Taluk,
Pudukkottai District.

6.Pitchai

.. 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 impugned orders passed by the 3rd and the 2nd respondent in Mu.Mu.No.3303/2014 and Ni.Mu.(T5)8378/2016, dated 06.07.2016 and 20.07.2017 respectively and quash the same and consequently direct the respondents to restore the patta in favour of the petitioner in respect to the property in S.No.67/2 measuring an extent of 6.91.5 Hectares in T.Keelaiyoor Village, Kulathur Taluk, Pudukkottai District.

For Petitioner	:	Mr.T.Antony Arul Raj
For R1 – R5	:	Mr.B.Saravanan Additional Government Pleader
For R6	:	M/s.C.Padma Raj

ORDER

Questioning the rejection of the petitioner's revision, dated 20.07.2017 challenging the order cancelling the patta issued to him and



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restoring the same in his favour, the petitioner is before this Court.

2. The contention of the petitioner is that the 6th respondent had filed a petition before the 3rd respondent challenging the patta granted in favour of the petitioner and his wife in respect of the property measuring an extent of 6.91.5 hectares comprised in Survey No.67/2 at T.Keelaiyoor Village, Kulathur Taluk, Pudukkottai District covered by patta no.1308. It is his contention that he is in possession and enjoyment of the property for over 3 decades and having valid title to the same. Based on possession and title, he had obtained a patta in the year 2004. The petitioner would further submit that there is a serious title dispute in the proceeding. The said property was mortgaged by the 6th respondent for a sum of Rs.40,000/- to one Mookaiya under a registered mortgage deed, dated 23.04.1986 and the possession was also handed over to him and the mortgage was not redeemed. The petitioner would submit that they got a right over the property in the year 1987. A sale agreement was entered and sale consideration was also paid and the possession was handed over to the petitioners. In the year 1993, the 6th respondent had filed O.S.No.



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868 of 1993 on the file of the District Munsif, Pudukkottai for permanent injunction and they had not made any mention about the redemption. This suit was dismissed for default on 15.07.1998.

3. It is the case of the petitioner that the private respondents had approached the revenue officials challenging the grant of patta in favour of the respondents. Without considering the serious title dispute, the 3rd respondent by an order, dated 06.07.2016 had allowed the appeal filed by the private respondents. The petitioner would further submit that the appeal filed was beyond the period of limitation set out in Rule 15 of the Tamil Nadu Patta Passbook Rules, 1987. However, after obtaining the order from the 3rd respondent, the 6th respondent has approached the 4th respondent to implement the order, dated 06.07.2016 passed by the 3rd respondent. On coming to know about the same, the petitioner had preferred a revision before the 2nd respondent. On coming to know about the revision petition, without notice, the 4th respondent has carried out the corrections by implementing the order of the 3rd respondent on 22.08.2016. Even after the filing of the revision, the petitioner had



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informed the 4th respondent about the revision. However, without considering the same, the mutation in the revenue records had been carried out.

4. Therefore, the petitioner has filed a writ petition in W.P(MD)No. 17070 of 2016 seeking a direction to delete the entries made by the 3rd respondent and consequently seeking a direction to the 2nd respondent to dispose of the revision in Revision No.7378 of 2016. After receiving the order, the impugned order came to be passed by the 2nd respondent by a non-speaking order. Challenging the same, the petitioner is before this Court.

5. From the perusal of the records, it is seen that the petitioner is an agreement holder of a mortgagee. Therefore, the petitioner has not established the title to the property and the property has not been purchased from the lawful owner. Before the issuance of patta, no notice was gone to the petitioner.



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6. The authorities have observed that the 6th respondent has produced registered documents whereas the petitioner has not produced any registered documents showing title. Therefore, the patta has been rightly cancelled. I see no reason to interfere with the impugned orders.

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

03.10.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

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P.T.ASHA, J.

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