

W.P.No.2319 of 2019 etc. batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 20.01.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.Nos.2319, 2326, 2334, 2340, 2346, 2353, 2357, 2360, 2368,
2377, 2393 & 2397 of 2019

and

W.M.P.Nos.2558, 2561, 2566, 2567, 2574, 2576, 2583, 2585, 2591,
2593, 2596, 2597, 2605, 2607, 2610, 2611, 2613, 2614, 2620, 2622,
2636, 2637, 2639 & 2641 of 2019

[W.P.No.2319 of 2019]

K.Parvathi

... Petitioner

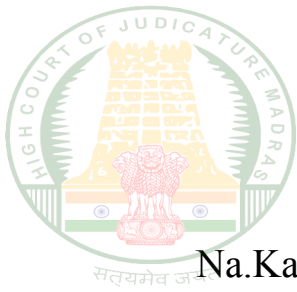
Vs.

1.The Revenue Divisional Officer,
Perambalur,
Perambalur District.

2.The Tahsildar
Perambalur, Perambalur District

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, Calling for the records pertaining the impugned order made in



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Na.Ka.No.A2/5170 / 2016, dated 26.11.2018 passed by the 1st

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respondent confirming the order in Mu.Mu.E1/2353/ 2015 dated 29.8.2016 passed by the 2nd respondent quash the same and consequently direct the 2nd respondent to grant patta to the petitioners house site No.88 C measuring an extent of 1417 1/2 sq.ft. comprised in S.F.No.468/3 of Udumbiyam village, Veppanthattai Taluk, Perambalur District.

For Petitioner : M/s.N.Manokaran
in all the Writ Petitions.

For Respondents : M/s.A.Selvendran, Special GP,
for R1 & R2. in all the Writ Petitions.

COMMON ORDER

The Writ Petitions are filed to quash the order passed by the 1st respondent confirming the order passed by the 2nd respondent and consequently direct the 2nd respondent to grant patta with reference to the properties of the respective petitioners.



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2. Since the petitioners in all these Writ Petitions seek a similar relief and the subject matter is also common to all, this Court is passing a common order.

3. The brief facts are herein below narrated:-

The petitioners have purchased the following sites:-

Name of the petitioner	House site number	extent	survey number
K.Parvathi	88C	1417 1/2 sq.ft.	468/3
A.Devika	54	1300 sq.ft.	479/1
R.Durai	113	1300 sq.ft.	441/4, 6, 442/3 & 479/1
N.Nallaammal	439	1300 sq.ft.	479/2
R.Rani	157A	1300 sq.ft.	441/2 and 7
R.Kolanchiaammal	43	1300 sq.ft.	442/3 and 479/1
N.Baskar	341	1300 sq.ft.	441/7C, 7D, 7F, 7G, 7H, 442/1B, 1C, 1F, 1E, 1H, 1G, 468/3, 479/3A, 442/3 and 441/5
N.Krishnan	128 and 129	2600 sq.ft.	441/4
Veeran	146	1300 Sq.ft.	441/6
B.Radha	97	1300 sq.ft.	442/3
A.Anbalagan	166	1300 sq.ft.	441/5 and 7
N.Maheswari	221	1300 sq.ft.	442/1

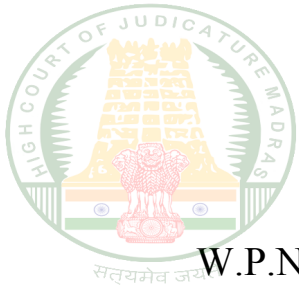


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4. It is their case that when they had made arrangements for putting up construction on the said sites and sought approval for construction, they came to know that the 2nd respondent herein as also the Sub Registrar, Veppanthattai had treated the subject survey numbers as a 'zero' value. Therefore, petitions were made with the Sub Registrar to restore the land value to its original value and the 2nd respondent was also requested to grant patta in the name of the petitioners.

5. The Registration Department by its order informed the petitioners that the subject land had been valued as zero in the Guideline Register. However, the value fixed in respect of the Survey Field No.468/1 has been set right pursuant to the orders of this Court passed in W.P.No.24061 of 2012. The petitioners' contention is that their house sites are also located in the very same lay out known as "Nethaji Nagar" and therefore the order of this Court passed in



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W.P.No.25518 of 2011 and W.P.No.24061 of 2012 dated 12.04.2012

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and 24.06.2014 respectively would apply to their sites as well.

6. It is the contention of the petitioners that one A.Kaliyamoorthy and others have formed a lay out under the name and style of "Netahji Nagar in S.Nos.479/3A, 3B, 3C, 3D, 422/3, 473/3,468/3, 441/6, 479/1, 441/4, 442/1A, 1B, 1C, 1D, 1E, 1F, 1G, 441/5, 41/7A, 7B, 7C, 7D, 7E, 7F, 7G, 7H and 479/2 of Udumbiam Village, Veppanthattai Taluk, Perambalur District. The promoters had acquired the lands under various documents which has been set out in a tabulated statement in the affidavit filed in support of the Writ Petition. After purchasing these lands they had formed a lay out of house sites and sold it to various individuals. The petitioners have also purchased house sites in the said survey numbers and the details of their purchases are provided below:-

Sl. No.	Date & Doc.No.	Name of the Vendors	Name of the purchaser	Site No. & extent
1	15.05.2009 1821/2009	A.Kaliayamoorthy Power agent of M.Vijaya	R.Durai	No.113 1300 sqft.
2	28.05.2009 1820/2009	A.Kaliayamoorthy Power agent of	N.Baskar	No.341 1300 sqft.



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Sl. No.	Date & Doc.No.	Name of the Vendors	Name of the purchaser	Site No. & extent
		M.Vijaya		
3	03.07.2009 1974/2009	A.Kaliyamoorthy Power agent of M.Vijaya	Anbalagan	No.166 1300 sqft.
4	06.07.2009 2030/2009	A.Kaliyamoorthy Power agent of M.Vijaya	Maheswari	No.221 1300 sqft.
5	06.07.2009 2021/2009	A.Kaliyamoorthy Power agent of M.Vijaya	B.Radha	No.97 1300 sqft.
6	16.07.2009 2241/2009	A.Kaliyamoorthy Power agent of M.Vijaya	Veeran	No.146 1300 sqft.
7	16.07.2009 2249/2009	A.Kaliyamoorthy Power agent of M.Vijaya	A.Devaki	No.54 1300 sqft.
8	20.07.2009 2306/2009	A.Kaliyamoorthy Power agent of M.Vijaya	N.Krishnan	No.128 & 129 = 2600 sqft.
9	29.07.2009 2595/2009	A.Kaliyamoorthy Power agent of M.Vijaya	R.Rani	No.157A 1300 sqft.
10	06.08.2009 2606/2009	A.Kaliyamoorthy Power agent of M.Vijaya	Kolanchiammal	No.43 1300 sqft.
11	27.08.2009 3158/2009	A.Kaliyamoorthy Power agent of M.Vijaya	Parvathi	No.88C 1417½ sqft.
12	03.05.2010 1219/2010	A.Kaliyamoorthy Power agent of M.Vijaya	Nallammal	No.439 1300 sqft.

7. The petitioners would submit that prior to the formation of the lay out, their predecessors in title were enjoying the lands as agricultural lands. After the purchase by the said Kaliyamoorthy, the

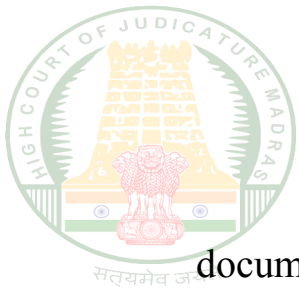


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lay out of house sites has been formed in the said lands. It may not be out of place to contend that the Registration Department has registered all the documents on the basis of the prior title and on the basis of revenue records like Patta, Chitta etc;

8. While so, without looking into the usage of the land and the nature of its classification as also the ownership, the 2nd respondent sent a communication dated 26.08.2011 in Na.Ka.No.A1/11811/2011 along with a list of survey numbers informing the Registration Department that subject lands have been allotted to Adi Dravidars.

9. Therefore, after this communication, the Sub Registrar had refused to register the sale deed presented by the petitioners' vendor and this was challenged in W.P.No.25518/2011 filed by one Ramasamy and Venkatesh who had sold the subject properties to the Kaliyamoorthy from whom the petitioners had later purchased the subject properties. The Writ Petition was allowed by order of this Court dated 12.04.2012 directing the 1st respondent to register the



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document.

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10. Thereafter, in pursuance to the above order, once again when the documents were presented for registration before the Sub Registrar it was refused to be registered on the ground that the subject lands have been valued at zero in the guideline register. This was once again challenged in W.P.No.24061/2012 (filed by A.Kaliyamoorthy) and by order dated 24.06.2014, the Writ Petition was allowed and the impugned order is set aside directing the Registering Authority to register the document. Thereafter, the sale deed was registered. However, the 2nd respondent refused to grant patta. Therefore, the said Kaliyamoorthy had filed W.P.No.27375 of 2014 for grant of patta. This Writ Petition was allowed by this Court on 15.10.2014.

11. The petitioners would submit that since in their case the documents were registered and thereafter the Sub Registrar has erroneously fixed zero value for the subject properties, the petitioners were prevented from dealing with the lands and also to get patta. It is



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only thereafter that the petitioners had come to know about the orders passed in W.P.Nos.25518 of 2011, 24061 of 2012 and 27375 of 2014.

Thereafter, they had sent representations to the respondents to restore the original land value in the guideline register after deleting the zero value and a request to grant of patta.

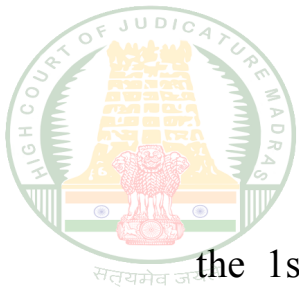
12. The respondents did not pass any order on the representations of the petitioners. However, the Sub Registrar had passed an order in respect of others on the same lines as the earlier orders which were set aside by this Court in W.P.No.25518 of 2011 and W.P.No.24061 of 2012 respectively. The Sub Registrar had passed the order on the ground that a list of Survey numbers said to have been assigned to Adi Dravidar had been received by them from the 2nd respondent and cautioning the Sub Registrar that these lands cannot be alienated and therefore the land value is treated as zero in the guideline register. Challenging this order a writ petition in W.P.No.3177 of 2015 was filed by (N.Baskar) and the same was allowed on 15.14.2016 and this Court had directed the 2nd respondent



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to register the documents in respect of of the house site bearing No.341 in S.F.Nos.441/7C, 7D, 7F, 7G, 7H, 442/1B, 1C, 1F, 1E, 1H, 1G, 468/3, 479/3A, 442/3 and 441/5, Udumbiyam Village, Veppanthattai Taluk, Peramabalur District and to restore the land value in the guideline register. The 3rd respondent therein who is the 2nd respondent herein was directed to conduct an enquiry on the representations of the petitioner for the grant of patta and pass orders after giving the parties a personal hearing. The time limit of 4 weeks was granted.

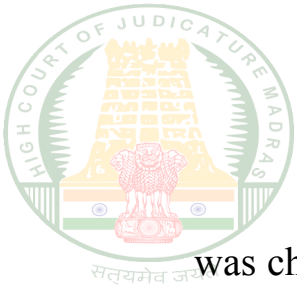
13. The Sub Registrar had restored the land value and the guideline value, however the 2nd respondent after calling the petitioners for an enquiry had thereafter passed an order dated 29.08.2016 refusing to grant patta on the ground that the lands had been assigned to Adi Dravidar. This order was taken up on appeal to the 1st respondent and though the petitioners had appeared for an enquiry, no orders were passed for a long time. Therefore, the petitioners had filed W.P.Nos.15407 to 15418 of 2018 calling upon



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the 1st respondent to pass orders within a time frame. This Writ Petitions were allowed and directions were issued to the 1st respondent to dispose of the appeal. Pursuant to this order, the appeal was taken up and dismissed by the 1st respondent by simply extracting the order of this Court passed in W.P.Nos.15407 to 15418 of 2018 dated 25.06.2018. Challenging the same, the petitioners are before this Court.

14. Mr.N.Manoharan, learned counsel appearing on behalf of the petitioners would submit that at every stage the plea that the lands have been assigned to Adi Dravidar have been rejected. He would draw the attention of the Court to the first inspection report dated 29.09.2011 wherein the registration was refused on the ground that the lands in question were Panchami lands. This order was challenged in WP.No.25518/2011 and this Court had issued directions to register the document. Once again in the year 2012, that is, by proceedings dated 16.08.2012 the registration was refused on the ground that the lands were assessed at zero value being Panchami land. This order



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was challenged in W.P.No.24061/2014 and by order dated 24.06.2014 this Court had allowed the Writ Petition by relying upon the earlier order passed in W.P.No.25518/2011.

15. The learned counsel would further submit that after the orders of this Court, the impugned orders have been issued by the respondents. The 2nd respondent has proceeded to reject the request of the petitioners on the ground that the subject properties in the settlement register has been described as a vacant site. These lands had been assigned as conditional assignments and since the condition had been violated, the petitioners were not entitled to patta. The Appellate authority, namely, the 1st respondent by order dated 26.11.2018 has simply extracted the order of this Court passed in W.P.No.15412/2018 and rejected the appeal. The learned counsel therefore, submitted that in the light of the earlier orders passed by this Court, the impugned orders cannot be sustained.

16. Per contra, learned counsel appearing on behalf of the



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respondents would submit that the subject lands are Panchami lands which have been assigned on condition as early as in the year 1927 and there has been a violation of the conditions.

17. Heard the counsels on either side and perused the records.

18. Since the entire argument of the respondents revolved around the case that the assignment was a conditional assignment, this Court had directed the respondents to produce the original files. The original files were produced and a perusal of the same would only show that the lands are Sarkar Poramboke and there is no indication to show that the lands were assigned to Adi Dravidar and that it is a conditional assignment.

19. Therefore, the contention of the respondents that the lands in question had been assigned to Adi Dravidars and the assignment was a conditional assignment has not been proved. Further, the property in question has been sold earlier and this court had directed



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not only the registration of the document but also the grant of patta.

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20. Therefore, in the light of the above and considering that the respondents have not been able to establish that the subject lands were assigned to Adi Dravidars, the Writ Petitions are allowed and the impugned orders dated 29.08.2016 and 26.11.2018 are set aside. The 2nd respondent is directed to issue patta to the petitioners within a period of 8 weeks from the date of receipt of a copy of this Order. No costs. Consequently, the connected Miscellaneous Petitions are closed.

20.01.2025

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.The Revenue Divisional Officer,
Perambalur,
Perambalur District.

2.The Tahsildar
Perambalur, Perambalur District

14/15



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P.T. ASHA. J.,

(shr)

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