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W.P.No.1614 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.01.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.1614 of 2025
&
W.M.P.No. 1838 of 2025

M.Manojkumar

...Petitioner

Vs.

1.The District Revenue Officer,
Tiruppur District.

2.The Revenue Divisional Officer
Tiruppur District.

3.The Zonal Deputy Tahsildar
Tiruppur South Taluk,
Tiruppur District.

...Respondents

Prayer: Writ Petition is filed under Article 226 to issue a Writ of Certiorarified Mandamus, to call for the records of the 3rd respondent in online order dated 09.11.2024 in application no. 2024/ 0103 / 32 / 617794 and quash the same and consequently direct the 3rd respondent



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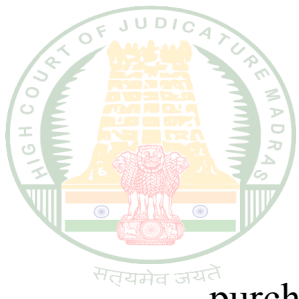
to restore the patta no. 346 in patta passbook and in the revenue records as per proceedings in TR. 2020/ 0103 / 32/ 287649 dated 31.12.2020 for properties covered in sale deed in doc. No. 11302 / 2020 dated 23.12.2020 registered at Joint Sub Registrar, Tiruppur District.

For Petitioner : Mr. I.Abrar Md Abdullah
For Respondents : Mr. A.Selvendran
Special Government Pleader.

ORDER

The Writ Petition seeks to quash the 3rd respondent's online order dated 09.11.2024 in A. no. 2024/ 0103 / 32 / 617794 and consequently direct the 3rd respondent to restore the patta no. 346 in patta passbook and revenue records in respect of the properties that are covered under the sale deed in document No.11302 of 2020 on the file of the Joint Sub Registrar, Tiruppur.

2. The facts based upon which the Writ Petition has been filed is herein below set out.



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3. The petitioner would submit that one P.N.Ramasamy Gounder purchased various items of property under a Court auction dated 21.01.1927 and has been in possession and enjoyment of the lands from the date of the purchase. Thereafter, he instituted a suit in O.S.No.821 of 1958, on the file of the District Munsif, Tiruppur, for partition, in respect of the properties purchased by him against Sennimalai Gounder, Nachimuthu Gounder and Ponniah Gounder, who is a family manager, claiming a $1/8^{\text{th}}$ share in the A and B schedule property and a $9/16^{\text{th}}$ share in the C schedule property.

4. This suit was decreed by means of joint endorsement of settlement between the parties. P.N. Ramasamy was allotted a $1/8^{\text{th}}$ share in A and B schedule property and a $9/16^{\text{th}}$ share in the C schedule property by decree dated 21.03.1960.

5. The said P.N. Ramasamy died on 15.09.1960. Thereafter, his sons Balasubramanian and Jeganathan made over the decree in O.S.No.821 of 1958 to one Kannimuthu, under a registered document



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bearing Doc.No.200/1961.

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6. It is the contention of the petitioner that despite this decree being made over possession continued in the hands of legal heirs of P.N.Ramasamy. Further, all the properties that had been allotted to P.N.Ramasamy under the decree was not made over and P.N.Ramasamy's daughters did not join in the made over deed dated 06.12.1960. Therefore, the said Kannimuthu executed a deed of declaration dated 22.09.1971 and Will dated 10.12.1971, in favour of the legal heirs of P.N.Ramasamy, declaring that the deed of made over was not acted upon and had not come into operation and that the property belonged to the legal heirs of P.N. Ramasamy.

7. On 15.02.1966, under a registered release deed, the daughters of P.N.Ramasamy released their share in favour of their brothers Balasubramanian and Jeganathan, after receiving a sum of Rs.10,000/- from them. The said Balasubramanian and Jeganathan had dealt with some of the properties by various sale deeds and properties were



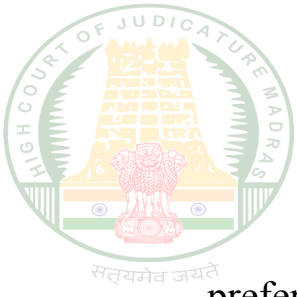
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subdivided on the basis of the sale deeds and the remaining lands were enjoyed by Balasubramanian and Jeganathan.

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8. The said Jeganathan died on 15.11.1993 and Balasubramanian died on 30.04.1995. The legal heirs of Balasubramanian and Jeganathan sold the properties to the petitioner and other purchasers, namely, Jaikumar, Premkavin and Gowtham, under a various sale deeds. The parties thereafter entered into a partition and a partition deed dated 23.12.2020 came to be registered between the parties.

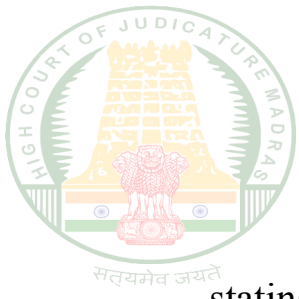
9. When the petitioner and the other purchasers made an application for change of patta, they were granted patta and in the said patta, the names of the legal heirs of the defendants in O.S.No.821 of 1958, who had no right, title interest to the property had been included in respect of the properties.



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10. The legal heirs of the defendants in O.S.No.821 of 1958, preferred an appeal before the RDO, Tiruppur, challenging the mutation of patta in the name of the petitioner and other purchasers, on the basis on the sale deeds and sought for cancellation of patta. After a detailed enquiry on both sides, the Revenue Divisional Officer passed an order dated 25.02.2022, directing the parties to approach the competent Civil Court.

11. Aggrieved by the same, they filed a revision before the District Revenue Officer for cancellation of patta. Meanwhile, the petitioner's vendor had preferred a Police complaint before the Central Crime Branch, Tiruppur and the legal heirs of the defendants in O.S.No.821 of 1958, when called for enquiry did not attend the enquiry stating that they were not parties to the suit O.S.No.821 of 1958 and were therefore not bound by the decree.



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12. The Village Administrative Officer submitted his report stating that the names were added only after verifying the documents.

Simultaneously, the legal heirs of the defendants in O.S.No.821 of 1958, have filed a land grabbing petition against the petitioner and other purchasers, stating that fake documents were used and it was fraudulently registered.

13. Ultimately, the 3rd respondent by impugned order has rejected the petitioner's application for restoration of patta on the ground that there was an inter se proceedings.

14. Aggrieved by the same, the petitioner has approached this Court.

15. Heard the learned counsels on the either side and perused the records.



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16. The 3rd respondent has failed to appreciate the fact that the suit O.S.No.821 of 1958 was a suit which is filed by the petitioner's predecessor in title against the predecessors in title of the contesting parties. This suit has been decreed by a memorandum of settlement.

17. That apart, the impugned order passed by the 3rd respondent would read as follows:

“தாங்கள் சமர்ப்பித்த உட்பிரிவு இல்லாத
பட்டா மாறுதல் விண்ணப்ப எண் 2024/0103/32/
617794 நிராகரிக்கப்பட்டுள்ளது காரணம் பட்டா
மாறுதல் கோரும் புலம் / உட்பிரிவு தொடர்பாக
நீதிமன்ற வழக்கு மேல்முறையீடு நிலுவையில்
உள்ளதால்.

18. Considering the fact that the said order is a non-speaking one line order without the 3rd respondent considering the facts and the documents filed by either party, this Court without traversing into the merits of the case is inclined to quash the impugned order.



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19. Accordingly, this Writ Petition is allowed. The matter is remitted back to the file of the 3rd respondent. The 3rd respondent shall dispose of the matter, within a period of 4 weeks by passing a speaking order after issuing notice to the petitioner and respondents. Consequently, the connected miscellaneous petition is closed. No costs.

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Index : Yes/No
Internet : Yes/No

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