



W.P.No.2953 of 2019

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.2953 of 2019
and
W.M.P.No.3222 of 2019

1. K.Devaraj
2. D.Vithegi

... Petitioners

Vs.

1. The District Collector,
Villupuram District,
Villupuram.
2. The District Revenue Officer,
O/o. District Collector,
Villupuram.
3. The Revenue Divisional Officer,
Tindivanam,
Villupuram District.
4. The Special Thasildar,
Town Settlement & Revenue,
Follow-up Works, Tinivanam,
Villupuram District.
5. V.Mangai



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6. D.Marimmal

R-6 impleaded vide order dated 11.09.2025 made in
W.M.P.No.23622 of 2024 in W.P.No.2953 of 2019

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution praying to issue a Writ of Certiorari, calling for the records relating to the impugned summon issued by the first respondent herein vide Na.Ka.Aa6/29146/2017 dated 04.12.2018 and quash the same as illegal in the light of the judgement and decree dated 01.03.2014 made in O.S.No.522 of 2014 on the file of the Additional District Court, Tindivanam.

For Petitioners : Mr.R.Suresh Kumar
for Mr.M.Venkadeshn

For Respondents: Mr.N.Naveen Kumar,
Government Advocate (for R1 to R4)
Mr.N.Srinivas Jayaprakash (for R6)
No appearance (for R5)

ORDER

This Writ Petition has been filed challenging the notice issued by the first respondent dated 04.12.2018, thereby calling upon the petitioners to attend an enquiry on the representation submitted by the fifth respondent, seeking cancellation of the patta issued in favour of the



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petitioners in respect of the subject property.

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2. Heard the learned counsel for the petitioners and the learned Government Advocate appearing for the first to fourth respondents and the learned counsel for the sixth respondent perused the materials available on record.

3. The fifth respondent owned the property comprised in Survey Nos.87/5, 6, 7, and 8, to an extent of 67 cents, situated at Kaveribakkam Village, Tindivanam, Villupuram District. Thereafter, she entered into a registered agreement for sale with the first petitioner dated 06.11.1991 in respect of the said property for a total sale consideration of Rs.1,85,250/. Thereafter, the fifth respondent executed a power of attorney in favour of the first petitioner. On the strength of the power of attorney, the first petitioner executed a sale deed in favour of the second petitioner herein by a registered sale deed dated 14.11.1999. Thereafter, the entire revenue records were mutated in favour of the second petitioner in respect of the subject property.



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4. While being so, the fifth respondent filed a suit in O.S.No.522 of 2004 on the file of the Additional District Munsif Court, Tindivanam, for declaration and recovery of possession. Subsequently, the said suit was dismissed and decreed in favour of the second petitioner. Aggrieved by the same, the fifth respondent preferred an Appeal Suit in A.S.No.24 of 2014 on the file of the Principal Sub-Court, Tindivanam, and the same was allowed.

5. Once again, aggrieved by the same, the sixth respondent, who is the subsequent purchaser, preferred an appeal before this Court in S.A.No.694 of 2020 and also obtained an interim stay of the judgment and decree passed by the First Appellate Court in A.S.No.24 of 2014, and it is pending for adjudication. Subsequently, the second petitioner also preferred an appeal in S.A.No.42 of 2021, which is also pending before this Court. That apart, the second petitioner laid out the subject properties, converted them into plots, and sold them to several persons, including the sixth respondent, and also, subsequent purchasers were issued patta, thereby creating third-party interest over the entire property.



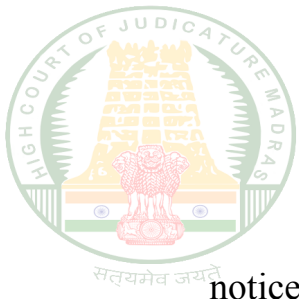
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6. In the meantime, the fifth respondent filed an application before the first respondent for cancellation of the patta issued in favour of the second petitioner. The suit filed by the fifth respondent for declaration and recovery of possession was dismissed, and now it is pending in S.A.No.694 of 2020 before this Court. The first respondent has no jurisdiction to entertain any application filed by the fifth respondent for cancellation of the patta issued in favour of the second petitioner.

7. Further, till today, the sale deed executed in favour of the second petitioner is in force and valid. If at all the fifth respondent succeeds in the said second appeals filed by the sixth respondent and the second petitioner in S.A.No.694 of 2020 and S.A.No.42 of 2021 respectively before this Court, then the fifth respondent will be entitled to get all relief in respect of the mutation of revenue records in her favour in respect of the subject property.

8. In view of the above, the entire proceedings initiated by the first respondent by issuing a hearing notice dated 04.12.2018 cannot be sustained, and it is liable to be quashed. Accordingly, the impugned



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notice dated 04.12.2018 is hereby quashed.

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9. In the result, this Writ Petition is allowed. Consequently, the connected Miscellaneous Petition is closed. No costs.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
kv

To

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