



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-09-2025

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

**WP No. 5230 of 2019 and
WMP Nos.5940 & 5941 of 2019**

1. Nixon Alexander

2. Bernard

Both are represented by their Power of
Attorney Mr.John Britto,
S/o.Devadoss, No.137,
Nehru Street, Karaikal, Puducherry

Petitioner(s)

Vs

1. Union of India

rep by its Commissioner and Secretary,
Revenue Department, Puducherry.

2.The District Collector cum Appellate
Authority, Karikal.

3.The Tashildar cum Specified Officer
Karaikal Taluk.

4.V.Kumari

11, VOC School Street, Kottucherry,
Karaikal, rep by her Power Agent
Mr.Rajendran, 32, Kaliamman Street,
Keezhakasakudy

Respondent(s)



PRAAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorari, to call for the records in Mutation Appeal No.02/2017 dated 18.12.2018 passed by the 2nd respondent and quash the same.

For Petitioner(s): M/s.R.T.Shyamala

For Respondent(s): Mr.V.Vasanthakumar
Additional Government Pleader
(Puducherry) For R1 to R3
Mr.R.Sunil Kumar For R4

ORDER

This writ petition has been filed to call for the records in Mutation Appeal No.02/2017, dated 18.12.2018, passed by the 2nd respondent and quash the same.

2.The petitioners executed a power of attorney in favour of the person, who is representing them in this writ petition to deal with the cases pending on the file of the District Collector and this Court.

3.The property situated at Karaikal Municipality, 14 KizhaKasankudi Village, Ward No. H, Block No.6, Town Survey No. 98 R.S.No. 77/14A, Cathasthar No. 223bis/38B part, 41C, 41D, 41 E1, 41 E2 41F, Patta No.651 measuring an extent of 25 are 65 santhiyar and Punja Land in Old S.No. 93 and



R.S.No. 78/2, Cathasthar Nos. 223bis/20 part, 21 part, 22 (1) part measuring

1Hectre, 15 R, 50 santhiyar in Patta No. 651, was purchased by the petitioners'

WEB COPY

mother as a guardian of her minor grandsons by a registered sale deed dated 30.12.1977, vide Document No.1075 of 1977. After her death, petitioners went to France and settled there. The power holder had executed a registered sale deed dated 27.10.2004 in Document No.2431 of 2004 in favour of one V.Vaidayanathan, who was in possession and management of the property since then. Even before purchase of the property, the patta stand in the name of the petitioners. However, thereafter, the fourth respondent through the power of attorney agent submitted a representation before the second respondent alleging that his Principal/fourth respondent had purchased a property from one Vijayabalan and applied for change of patta in her name in patta No.651. As per patta No.768 one Krishnan's name was found, but it stood in the name of nine persons and now patta No.651 was found in favour of the petitioners. In order to remove the name of the petitioners and to insert their name as joint patta holder, the fourth respondent submitted the representation. The petitioners' power of attorney agent was served with notice and he filed his counter along



with documents. The fourth respondent claimed right only over the property comprised in 223 bis/38A part, 28B part, 41B part, 41 C etc. But in the order, there is a reference as if the petitioners claim title to 223 bis/35, 36 and 37 correlated to R.S.No. 77/11 and 77/10. The patta, which stood in the name of the petitioners was restored and the names of one Krishnan and nine others have been incorporated in patta No.651. The original patta claimed by the fourth respondent was patta No.768. There is no mentioning about patta No.651. That apart, the properties of the fourth respondent and some property, through Will, were executed by the fourth respondent. In the said Will, the patta number was mentioned as 651. The petitioners were issued patta after the purchase and how the patta number was included in the Will is not answered. Further, the fourth respondent can very well approach the Civil Court, if any discrepancies were found in the particular schedule as per the Will.

4.Instead of approaching the Civil Court, the fourth respondent approached the second respondent to cancel the patta issued in favour of the petitioners and to insert their name in the patta as joint owner.



5. In view of the above, the impugned order is liable to be set aside.

Accordingly, the impugned order is set aside and the writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed. The fourth respondent is at liberty to approach the Civil Court for appropriate relief, if so advised.

02-09-2025

sli

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. Union of India

rep by its Commissioner and Secretary,
Revenue Department, Puducherry.

2. The District Collector cum Appellate
Authority, Karaikal.

3. The Tashildar cum Specified Officer
Karaikal Taluk.



WEB COPY

6/6

WP No. 5230 of 2



G.K.ILANTHIRAIYAN J.

sli

WP No. 5230 of 2019

02-09-2025