



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2025

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CORAM :

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

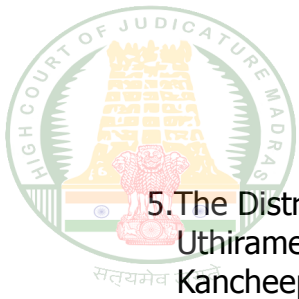
Writ Petition No.4761 of 2020
and WMP Nos.5621 & 5623 of 2020

South India Scheduled Tribes
Welfare Association
[Regn.No.205/1972]
Rep. By its Secretary
Mrs.Chitra
Having Office at New No.579
Old No.359, Anna Salai
Saidapet, Chennai 600 018.

.... Petitioner

-Vs-

- 1.The District Collector
Kancheepuram District
Kancheepuram.
- 2.The Sub Collector
Kancheepuram District
Kancheepuram.
- 3.The Child Protection Officer
Mamalla Nagar
Kancheepuram District
Kancheepuram.
- 4.The Tahsildar
Uthiramerur Taluk
Kancheepuram District.



5.The District Educational Officer
Uthiramerur Taluk
Kancheepuram District.

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6.Mrs.Regina Devaki

7.Mr.S.Ram Kumar

.. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the 4th respondent in the order dated 19.09.2018 vide Na.Ka.No.3857/2016/A2 and quash the same and issue direction to the 4th respondent to cancel the patta No.789 dated 26.04.2017 in the year 2014 issued in favour the 6th respondent for the property to an extent of 26.09 Acres (or) 10.56.0 Hectares (out of 37.92 Acres (or) 15.34.0 Hectares) situated at Kaliyanpoondi Village, Uthiramerur Taluk, Kancheepuram District and restore the Manual patta No.301 dated 13.03.1987 and Computer Patta dated 15.02.2003 issued in favour of the petitioner organization as it was prevailing earlier.

For Petitioner : Mr.P.Subba Reddy

For Respondents : Mr.M.R.Gokulkrishnan
Additional Government Pleader
for R1 to R5

No appearance for R6 & r7

ORDER

This writ petition has been filed challenging the proceedings of the 4th respondent dated 19.09.2018 rejecting the application made by the petitioner to restore the patta in their name after cancelling the patta issued in favour of the 6th



respondent with respect to the subject property.

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2. Heard Mr.P.Subba Reddy, learned counsel for the petitioner, Mr.M.R.Gokulkrishnan, learned Additional Government Pleader for R1 to R5. The 6th and 7th respondents have been served with notice and their names have also been printed in the cause list and there is no appearance either in person or through counsel.

3.The case of the petitioner is that they became the owner of the subject property by virtue of three documents which are the gift/settlement deeds dated 19.04.1979 and two documents dated 03.06.1981 which were registered as Document Nos.624 of 19779, 1534 of 1981 and 1535 of 1981. Thereafter, manual patta was issued in the name of the petitioner in Patta No.301 in the year 1987. Subsequently, computerised patta was also issued in the name of the petitioner in the year 2003.

4.The gift/settlement deed that was executed in favour of the petitioner came to be unilaterally cancelled through two documents dated 24.07.2008 registered as Document No.4155 and 4156 of 2008. After the cancellation of the settlement deed, a power of attorney is said to have been executed in favour of the 7th respondent on 18.06.2008 and based on the same, the sale deed dated 11.09.2009 came to be executed in favour of the 6th respondent. The 6th respondent thereafter approached



the Tahsildar seeking for patta and patta was issued in the name of the 6th respondent. The petitioner aggrieved by the same, made a representation before the 4th respondent and sought for the restoration of the patta in the name of the petitioner. The same was rejected by the 4th respondent through proceedings dated 19.09.2018 which has been put to challenge in the present writ petition.

5. In the considered view of this Court, the registered settlement deed executed in favour of the petitioner cannot be unilaterally cancelled and such a document ought not to have been entertained by the Sub Registrar. The law on this issue is settled by the Full Bench of this Court in **Sasikala .vs. The Revenue Divisional Officer cum Sub Collector** reported in **2022 5 CTC 257**. Therefore, such document unilaterally cancelling the settlement deeds executed in favour of the petitioner Association is non-est in the eye of law.

6. The 4th respondent was aware of the fact that the patta stood in the name of the petitioner. Thereafter, when an application was made by the 6th respondent seeking for patta based on the subsequent sale deed dated 11.09.2009, which came to be executed after the unilateral cancellation of the settlement deed, should have issued a notice to the petitioner and heard them before taking a decision. Whereas, the petitioner has been kept in dark and in spite of the patta standing in the name of the petitioner, the 4th respondent has proceeded to issue patta in the name of the 6th



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respondent in patta No.789. Therefore, the proceedings of the 4th respondent issuing patta in favour of the 6th respondent is also vitiated on the ground of violation of principles of natural justice.

7.The petitioner has already instituted a suit in OS.No.69 of 2015, questioning the unilateral cancellation of the settlement deed and the subsequent sale deed that was executed in favour of the 6th respondent and this suit is pending on the file of the District Munsif cum Judicial Magistrate, Uthiramerur. Hence, it is left open to the parties to agitate their grievance in the pending suit and the patta that stands in the name of the 6th respondent cannot continue any longer and it requires the interference of this Court.

8.In the light of the above discussion, the proceedings of the 4th respondent dated 19.09.2018, is hereby quashed and there shall be a direction to the 4th respondent to cancel patta No.789 issued in favour of the 6th respondent with respect to the subject property and restore the patta in the name of the petitioner. This process shall be completed by the 4th respondent within a period of two weeks from the date of receipt of copy of the order.

9.In the result, this writ petition is allowed with the above directions. No costs.

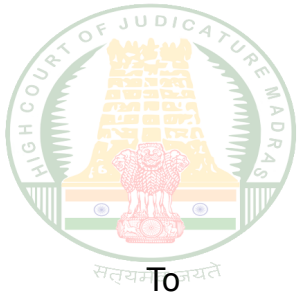


Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No
NCS : Yes/No
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To

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N.ANAND VENKATESH, J.



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