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W.P.No.9619 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.09.2025

Coram:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.9619 of 2019

and

W.M.P.Nos.10232, 10234 and 10236 of 2019

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1. P.M.Sathish, S/o P.S.Munikumar
2. P.M.Mahesh, S/o P.S.Munikumar

.. Petitioners

Vs.

1. The District Revenue Officer/Revision Authority,
Tiruvallur District,
Tiruvallur.
2. The Revenue Divisional Officer,
Ponneri Revenue Division,
Ponneri Taluk,
Tiruvallur District.
3. The Tahsildar,
Ponneri Taluk Office,
Ponneri, Tiruvallur District.
4. L.Madhavan, S/o Late Lakshmiah Naidu
5. Smt.Sasikala, S/o Baskaran
6. Mr.Nethaji, S/o Narasimhalu Naidu

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the first respondent regarding the impugned order, R.C.10752/2009(B3), dated

Page No.1/10



W.P.No.9619 of 2019

08.03.2016 and the consequent order of the third respondent, Na.Ka.19050/2007/A2, dated 06.03.2017 and quash the same as arbitrary, unsustainable and illegal and consequently direct the third respondent to restore the Pattas of the petitioners.

For petitioners : Mr.R.Munuswamy

For respondents: Mr.T.M.Rajangam, Govt. Advocate for RR-1 to 3

Mr.V.Vijayarajan for RR.4 to 6

No appearance for R-7

ORDER

W.M.P.No.10232 of 2019 in W.P.No.9619 of 2019, filed by the petitioners, seeking permission to join together and file a single Writ Petition, is ordered as prayed for.

2. This Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus to call for the records of the first respondent regarding the impugned order, R.C.10752/2009(B3), dated 08.03.2016 and the consequent order of the third respondent, Na.Ka.19050/2007/A2, dated 06.03.2017 and quash the same as arbitrary, unsustainable and illegal and consequently direct the third respondent to restore the Pattas of the petitioners.

3. Brief facts that led to the filing of the present Writ Petition are as follows:

Page No.2/10



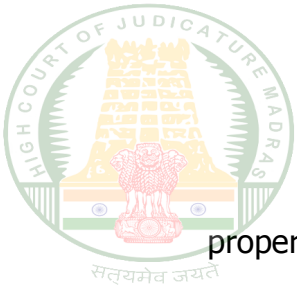
W.P.No.9619 of 2019

(a) The petitioners are the absolute owner of the agricultural Najna lands.

The petitioners have purchased the same under Registered sale deed, dated 16.03.2006 for valid sale consideration from Sri.R.Narasimhalu Naidu and 8 others, including the seventh respondent. Ever since the date of purchase, they are in absolute possession and enjoyment of the property and all the Revenue Records including Patta in respect of the said properties, stand in the name of the petitioner. The petitioners have been cultivating the said properties and paying necessary "Kists" to the Government.

(b) During the third week of October 2008, the first petitioner received a summon from the second respondent in Na.Ka.No.1291/2008/A1, dated 17.10.2008 and the petitioners were called upon to appear for the enquiry on 23.10.2008 at 11 am along with the original title documents in respect of the said properties. The said summon was issued in the alleged petition submitted by the respondents 4 to 6 for cancellation of Patta of the petitioners' properties. Even though the Patta of the second petitioner was sought to be cancelled, but no summons were served on him from the second respondent. Further, no petition copy of the respondents 4 to 6 was furnished to the petitioners.

(c) On 23.10.2008, the petitioners appeared before the second respondent and produced all the original title deeds and other relevant connected documents and also the Revenue Records in respect of their



W.P.No.9619 of 2019

properties and also submitted detailed written submissions to the second respondent regarding the right and title of the petitioners over the property in question. Thereafter, the petitioners did not receive any communication from the second respondent.

(d) While so, during the first week of March 2009, the seventh respondent who is one of vendors of the petitioners informed them that he received an order on 27.02.2009 from the second respondent in Na.Ka.1291/2008/A1, dated 21.01.2009, in and by which, the Patta issued in the name of the petitioners, was ordered to be cancelled and it was further directed that the Patta to be issued based on the alleged Koor Chit of the year 1956 in the name of Lakshmiah Naidu, but the petitioners have not been served with the order copy, which is highly unjustifiable and illegal. Immediately after receipt of the photocopy of the order of the second respondent, as an aggrieved party, the petitioners preferred a Revision Petition before the first respondent against the order passed by the second respondent in Na.Ka.1291/2008/A1, dated 21.01.2009.

(e) Simultaneously, to protect the right, title, possession and interest of the petitioners over the said properties, they filed a suit in O.S.No.66 of 2009 before the District Munsif Court, Ponneri against the respondents 4 to 6 for the reliefs of declaration of the petitioners' right and title over the said properties

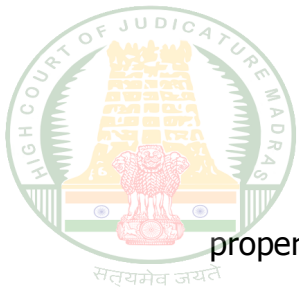


W.P.No.9619 of 2019

and also for permanent injunction not to disturb the petitioners' possession and

also permanent injunction against alienation of the said properties. In the said suit, the respondents 4 to 6 entered appearance and filed their written statement. After hearing the arguments of both sides, the trial Court decreed the suit on 05.09.2017 in favour of the petitioners.

(f) In the meanwhile, the petitioners were shocked to come to know from the VAO that the first respondent, by the impugned proceedings, in R.C.No.10752/2009(B3), dated 08.03.2016, dismissed the Revision Petition preferred by the seventh respondent, as the seventh respondent did not press the said petition. Consequent to the dismissal of the revision petition, the third respondent, by the impugned order in Na.Ka.19050/2007/A2, dated 06.03.2017, ordered to cancel the petitioners' vendors' patta bearing Nos.83, 92, 39 and 117 in respect of the said properties and to restore the Patta in the name of Lakshmaih Naidu, son of Subba Naidu, as per the alleged Koor Chit. Further, the petitioner had also preferred a Revision Petition before the first respondent, aggrieved by the order of the second respondent, dated 27.01.2009, but the first respondent had not taken the same on file and did not conduct any enquiry. Having taken note of the suit filed by the petitioners, the first respondent did not choose to send any notice to the petitioners before deciding the Revision Petition. The petitioners are the present owners and Pattadars of the said



W.P.No.9619 of 2019

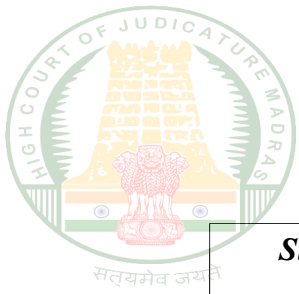
properties and further, the suit filed by them against the respondent 4 to 6 was discussed by the first respondent, but he has not chosen to send any notice to the petitioners before deciding the Revision Petition.

(g) Further, the suit in O.S.No.66 of 2009 on the file of the District Munsif Court, Ponneri, was decreed in favour of the petitioners on 05.09.2017, but the first respondent, on wrong misconception, had held that the suit was dismissed on 27.01.2000, which, according to the petitioners, is unbelievable. Hence, the impugned order passed by the first respondent is not sustainable and contrary to the provisions of the Tamil Nadu Patta Pass Book Act and the Rules therein and the consequent order of the third respondent is ultra-vires and illegal.

4. The respondents 1 to 3 have filed counter affidavit, dated 19.07.2024, stating as follows:

(i) The Pattas for Survey Numbers in No.79, Devadanam Village of Ponneri Taluk in Tiruvallur District, were registered in the name of the individuals as noted against in the year 2009.

<i>Survey No.</i>	<i>Classification</i>	<i>Extent in Hectares</i>	<i>Patta Number and Name of the Pattadar</i>
8/1	Wet	1.26.0	83.Narasimma Naidu S/o Veerasamy
13/3	Wet	0.68.0	
17/1	Wet	0.79.5	
17/2A	Wet	0.81.0	



W.P.No.9619 of 2019

WEB COPY

<i>Survey No.</i>	<i>Classification</i>	<i>Extent in Hectares</i>	<i>Patta Number and Name of the Pattadar</i>
12/2A	Wet	0.20.0	Naidu
8/2	Wet	0.52.0	92.Nethaji S/o Narasimha Naidu
18/1	Wet	0.60.5	39. Sarangapani S/o Subha Naidu
13/2B	Wet	0.08.5	117, Muniyammal W/o Ramasamy Naidu
13/2C	Wet	0.08.5	
13.2D	Wet	0.08.5	

(ii) Pursuant to the order passed by the second respondent on 20.01.2009 in R.C.1201/2009 and the order passed by the first respondent on 08.03.2016 in R.C.10752/2009/B3, the third respondent had cancelled the above Patta Nos.83, 92, 39 and 117 in respect of the survey numbers of Devadanam Village mentioned in Proceedings No.19050/2007/B2, dated 03.05.2017 and in this back-drop, the petitioners have filed the present Writ Petition.

(iii) The petitioners have obtained decree and order on 05.09.2019 in O.S.No.60 of 2009 from the Ponneri District Munsif Court, declaring fifth of the above survey numbers and subsequent to the order passed by the first respondent, dated 08.03.2016 and third respondent, dated 03.05.2017, which are impugned in this Writ Petition.

(iv) The above said Civil Court's order dated 05.09.2017, Patta entries for



W.P.No.9619 of 2019

the following said lands have been mutated in the third respondent's Office in the name of the petitioners in Patta Numbers shown against each in the computerised accounts of Devadanam Village:

<i>Survey Number</i>	<i>Classification</i>	<i>Extent in Hectares</i>	<i>Patta Number and Name of the Pattadar</i>
13/2A	Wet	0.20.00	3845. P.M.Magesh, S/o P.S.Munikumar (second petitioner)
13/2B	Wet	0.08.50	
13/2D	Wet	0.07.50	
13/3	Wet	0.58.50	
17/2A	Wet	0.81.0	
Total		1.75.50	
13/2C	Wet	0.08.50	505.P.M.Magesh, S/o.P.S.Munikumar (second petitioner)
17/1	Wet	0.23.00	
8/1	Wet	01.04.50	3844. P.M.Sathish S/o P.S.Munikumar (second petitioner)
8/2	Wet	0.52.0	
Total		1.56.50	

(v) C.R.P.No.4156 of 2019 and C.M.P.No.27091 of 2019 filed by the respondents before this Court against the fair and decretal order passed in I.A.No.1 of 2019 in O.S.No.66 of 2009, dated 19.08.2019 on the file of the District Munsif Court, Ponneri, had been dismissed by this Court on 02.01.2024 and the records are mutated in paragraph 6 in favour of the petitioners, as detailed in respect of the survey numbers as per the order of the District Munsif



W.P.No.9619 of 2019

Court, Ponneri on 05.09.2017 in O.S.No.66 of 2009.

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5. Heard both sides and perused the materials available on record.

6. In view of the Civil Court's decree (District Munsif Court, Ponneri) granted in O.S.No.66 of 2009, dated 05.09.2017, filed by the petitioners herein, granting the prayer as sought in the said O.S.No.66 of 2009, nothing further survives for consideration in this Writ Petition, as the said decree is not opposed by the respondents herein and this Writ Petition shall stand disposed of in terms of the said decree dated 05.09.2017. There shall be no order as to costs. The Miscellaneous Petitions in W.M.P.Nos.10234 and 10236 of 2019 are closed.

19.09.2025

CS

To

1. The District Revenue Officer/Revision Authority,
Tiruvallur District, Tiruvallur.
2. The Revenue Divisional Officer,
Ponneri Revenue Division,
Ponneri Taluk, Tiruvallur District.
3. The Tahsildar, Ponneri Taluk Office,
Ponneri, Tiruvallur District.

Page No.9/10



WEB COPY



W.P.No.9619 of 2019

M.DHANDAPANI, J

CS

W.P.No.9619 of 2019

19.09.2025

Page No.10/10