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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.02.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.12241 of 2023
and WMP Nos.12093, 12094 and 12095 of 2023

1. R.V.Saravanamuni
2. V.Dhanabakkiam

..Petitioners

Vs.

1. The District Collector,
Tiruvallur Collectorate Office,
Master Plan complex NH 205,
Chennai – Tiruttani Highway,
Tiruvallur – 602 001
2. The District Revenue Officer,
Tiruvallur Collectorate Office,
Master Plan Complex NH 205,
Chennai Tiruttani Highway
Tiruvallur – 602 001
3. The Revenue Divisional Officer,
Bharathiyar Street,
SP Nagar, Tiruvallur – 602 003
4. The Tahsildar,
Taluk Office,Poonamallee
JN Road, NH 716



Tiruvallur District.

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5. C.Chandragupta

6. R.Sarada

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to Call for the records of the 3rd Respondent in the impugned order in Na.Ka.No 2218 / 2023 / A2 dated 29.03.2023 received on 01.04.2023 cancelling the patta Nos. 3337 and 3338 obtained by the petitioners with respect to theri land in Survey No. 82/3 Old Survey No 49/4 situated in Noombal Village Mathuravelappan Chavadi, poonthamelle Taluk Tiruvallur District and to quash the same as illegal and contrary to law and consequently direct the 3rd and 4th respondents to restore the patta Nos 3337 and 3338 with respect to their land in Survey No 82/3 Old Survey No 49/4 situated in Noombal village Mathuravelappan Chavadi, Poonthamelle Taluk Tiruvallur Distirct in the name of the petitioners as per the order of the Tahsildar in Na.Ka.No.28321 of 2008 C2 dated 22.07.2009.

For Petitioners : Mr.Rahul Balaji

For Respondents : Mr.A.Selvendran
Special Government Pleader
for R1 to R4
Mr.M.Karthikeyan
for R6 and R5



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ORDER

This writ petition has been filed challenging the proceedings of the 3rd respondent dated 29.03.2023 cancelling the patta standing in the name of the petitioners with respect to the subject property and for a consequential direction to the respondents 3 and 4 to restore the patta issued in favour of the petitioners in Patta Nos.3337 and 3338 with respect to the subject property as per the earlier order passed by the 4th respondent dated 22.07.2009.

2. Heard Mr.Rahul Balaji, learned counsel for the petitioner and Mr.A.Selvendran, learned Special Government Pleader for R1 to R4 Mr.M.Karthikeyan for Respondents 5 and 6.

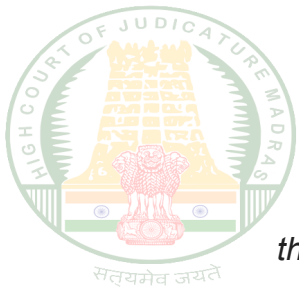
3. The case of the petitioners is that they along with others had sought for a patta with respect to the subject property



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without insisting for a No objection certificate from the concerned authority under the Urban Land Ceiling Act. A writ petition came to be filed in WP No.1919 etc., 2008. This writ petition was disposed of by an order dated 20.08.2008 and the relevant portions are extracted hereunder :-

6. In my considered opinion, unless the order of the learned single Judge passed in the batch of writ petitions is stayed or set aside, the third respondent is bound by the same. It may be true that the Government is considering the question of preferring appeal against the said order; that will not amount to grant of stay of the order of the learned single Judge. The next contention of the learned Additional Government Pleader that the proper authority to direct the Tahsildar to issue patta is the first respondent also cannot be accepted. The Tahsildar is the competent authority to issue patta in the name of a person, who is the owner of the property. The contention of the learned Additional Government Pleader that since the lands were taken over by the Government under the said Act, it is for the first respondent to give proper instructions to the Tahsildar to Issue patta is not correct. In this case, since the order taking over the lands has been quashed by this Court, there is no need for the first respondent to give any instructions to the Tahsildar. It is for the third respondent to consider the request of the petitioners to ascertain whether the petitioners are the owners of

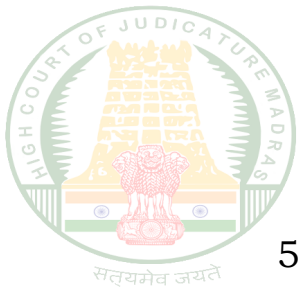


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the property and whether they are entitled for patta or not and to pass orders.

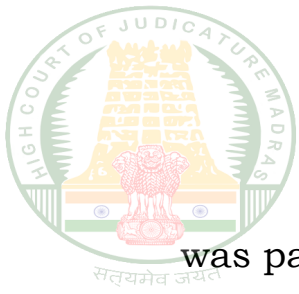
7. In view of the above position, the writ petitions are allowed with a direction to the third respondent to consider the request of the petitioners to issue patta and to pass appropriate orders within a period of four months from the date of receipt of a copy of this order. The third respondent shall hold appropriate enquiry to ascertain the ownership of the lands after due notice and affording sufficient opportunity to all the interested persons concerned in the matter. It is made clear that for any reason in future, if the order of the learned single Judge in the batch of writ petitions is set aside, there may be no impediment for the third respondent Tahsildar to cancel any order issuing patta in the name of the petitioners. This order also will not preclude the Government from challenging the order of the learned single Judge passed in the batch of writ petitions. No costs. Consequently, the connected miscellaneous petitions are closed.

4. Pursuant to the above order, the 4th respondent through proceedings dated 22.07.2009 issued patta in favour of the petitioners in Patta Nos.3337 and 3338 with respect to the land in Survey No.82/3 (old Survey No.49/4) Noombal Village, Poonamalle taluk, Thiruvallur District.



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5. The further case of the petitioners is that the subject property was purchased by one Mrs.Valliammal through her Power of Attorney Agent and the lands measuring 11 cents was registered in favour of the 2nd petitioner through a registered Sale deed dated 09.04.2001 and the lands measuring 18.50 cents was registered in favour of the 1st petitioner and the father of the 1st petitioner through the sale deed dated 09.04.2001. After the purchase of the subject property, it was brought to the notice of the petitioners that proceedings were initiated under the Urban Land Ceiling Act. But however, physical possession was not taken even after the coming into force of the Repeal Act. Thereafter, writ petitions were filed challenging the proceedings and the writ petitions were allowed. Only after the writ petitions were allowed, the pending documents were registered and released by the Sub Registration Office, Kundrathur. Thereafter, the patta was not granted stating that the petitioners must obtain a No objection certificate from the ULC authorities and the same lead to the filing of the writ petition and the above order

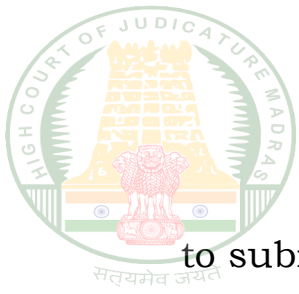


was passed by this Court.

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6. The petitioners wanted a survey to be conducted in the subject property and at that point of time, the private respondents objected and a complaint was given to the Tahsildar. Thereafter, the 6th respondent approached this Court and filed WP No.20341 of 2022 before this Court for a direction to the Tahsildar to consider the representation made by him. This writ petition was disposed of by an order dated 05.08.2022 directing the Tahsildar to conduct an enquiry after giving opportunity to both parties and to pass orders within a period of twelve weeks.

7. Pursuant to the above order, the Tahsildar through proceedings dated 04.11.2022 called the parties for an enquiry and he is said to have submitted the report before the 3rd respondent. The 3rd respondent thereafter proceeded to pass the impugned order dated 29.03.2023 whereby the revenue records were restored to its original position and the parties were directed



to submit the relevant documents before the Tahsildar in order to enable the Tahsildar to pass a fresh order regarding the transfer of patta.

8. The main ground that was urged by the learned counsel for the petitioners is that the petitioners were under the impression that the enquiry was conducted by the Tahsildar pursuant to the ULC proceedings and at the behest of the concerned authorities and they were not aware that the revenue authorities were going into the question of right and title over the property. Therefore, the petitioners never had a chance to place all the relevant documents before the 3rd respondent.

9. Per contra, the learned counsel for private respondents submitted that a fraud has been played in this case and the said Valliammal instead of dealing with 42 cents for which she is the owner, had dealt with nearly 47 cents and there was absolutely no title over the entire extent of 47 cents and whereas, the



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petitioners had managed to get the patta for a larger extent. The learned counsel further submitted that the petitioners did not produce any of the document either before the 3rd respondent or before this Court and the same will establish the fact that the petitioners are attempting to conceal the material documents. It was further submitted that the 3rd respondent had merely directed both the parties to go before the Tahsildar and place the documents and therefore, if the petitioners are in possession of the relevant documents, it can always be placed before the Tahsildar to establish their right and there is no need for interfering with the order passed by the 3rd respondent.

10. The learned Special Government Pleader appearing on behalf of the official respondents submitted that there is a private dispute between the petitioners and the private respondents and hence, it will be more appropriate for both the parties to go before the Civil Court and agitate their rights rather than agitating the same before the revenue authorities.



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11. In the considered view of this Court, the various documents that were relied upon by the petitioners were not placed before the 3rd respondent, for whatever reasons. The petitioners were talking about the rectification deeds that were executed apart from the Special power of attorney where the correction was made and the anomaly was removed. In fact, such a compromise was entered into in one of the suit in OS No.903 of 2004. The private respondents deny the very existence of such documents and claimed that except for the oral statements made by the petitioners, such documents have not been produced even before this Court.

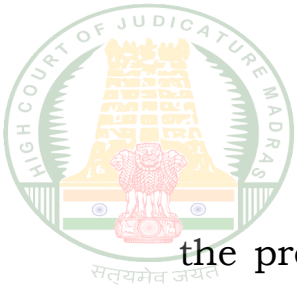
12. This Court does not want to go into above controversy raised by the respective parties. In the considered view of this Court no useful purpose will be served by asking the parties to go back to the Tahsildar and to produce all the documents in order to enable the Tahsildar to take a decision on the issuance of



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patta. Already the Tahsildar had earlier applied his mind and had granted patta in favour of the petitioners. If the same has to be cancelled or modified based on the objection made by the private respondents, the RDO is the appellate authority, who has to deal with the same and the RDO cannot once again send the parties back to the Tahsildar. Therefore, it will be more appropriate if the parties are sent back to the RDO in order to produce all the relevant documents and the RDO is directed to pass fresh orders within a time frame. This will sufficiently take care of the grievance expressed by both sides.

13. In the light of the above discussion, the impugned proceedings of the 3rd respondent dated 29.03.2023 is hereby set-aside and the matter is remanded back to the file of the 3rd respondent. The 3rd respondent shall issue notice to the petitioners and the private respondents and conduct an enquiry. Both sides can raise all grounds available to them and shall submit all the relevant documents to establish their right over



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the property. On considering the same, the 3rd respondent shall pass orders on its own merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that both the parties will co-operate for the completion of the proceedings within the time frame fixed by this Court and the 3rd respondent shall adhere to the time frame fixed by this Court and pass final orders.

14. In the result, this writ petition is allowed with the above directions. No costs. Consequently, the connected miscellaneous petitions are closed.

25.02.2025

Index : Yes/No
Internet : Yes/No
Speaking Order / Non Speaking Order
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N. ANAND VENKATESH, J.
rka

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