



W.P.No.23191 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2025

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.23191 of 2025

and

W.M.P.No.26046 of 2025

T.Narayanan,
S/o.Thanuskodi

... Petitioner

Vs.

1.The District Collector,
Villupuram, Villupuram District.

2.The District Revenue Officer,
Villupuram District, Villupuram.

3.The Sub-Collector,
Tindivanam,
Villupuram District.

4.The Tahsildar,
Tindivanam Taluk,
Tindivanam, Villupuram District.

5.Thangarasu,
S/o.Thoongan Chettiyar

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, directing the third respondent herein to pass orders on the Appeal dated 24.05.2024 made by the petitioner and to cancel the Patta wrongly issued in favour of the fifth respondent.

For Petitioner : Mr.Venkataswamy Babu
For Respondents :
For R1 to R4 : Mr.P.Sathish
Additional Government Pleader

ORDER

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself. In view of the order that this Court proposes to pass and also the limited relief that is sought to be granted, notice to the fifth respondent is dispensed with.

2. The present writ petition is filed for a writ of mandamus, to direct the third respondent to pass orders on the appeal preferred by the petitioner on 24.05.2024 and to cancel the Patta which is said to have been erroneously issued in favour of the fifth respondent.

3. Learned counsel for the petitioner would submit that the land comprised in S.No.18/1A, admeasuring 3.71 Acres situated at Kattalai Village, Tindivanam Taluk, Villupuram District, originally belonged to one V.Kaliyamoorthy and



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V.Anandan. The fifth respondent's father Late Thoongaan Chettiyar and mother Late Sennammaal have purchased the above subject property on 22.04.1991 vide a registered Sale Deed. The fifth respondent herein namely Thangarasu who is one of the Legal Heirs of Late Thoongaan Chettiyar and Late Sennammaal, had fraudulently obtained the Legal Heir Certificate showing him as the only Legal Heir leaving out the other Legal Heirs. The subject property was thereafter purchased by the petitioner's vendor namely Kalyan Chakravarthi by virtue of Sale Deed dated 25.05.2006.

3.1. Learned counsel for the petitioner would submit that the petitioner in turn purchased the subject property from his vendor Kalyan Chakravarthi on 28.11.2008 vide registered Sale Deed dated 28.11.2008 and promoted a layout in the name and style of 'Thirumalai Nagar' at Kattalai Village, Tindivanam Taluk, Villupuram District. The above layout is in respect of the land measuring larger extent of 68.12 Acres, which includes the subject property in the present writ petition. In the meanwhile, the fifth respondent had in collusion with other Legal Heirs of Late Thoongaan Chettiyar and Late Sennammaal, filed a suit in O.S.No.25 of 2021 before the Principal Subordinate Court, Tindivanam and suppressing all material facts, obtained collusive Decree on 15.09.2021 whereby it was declared

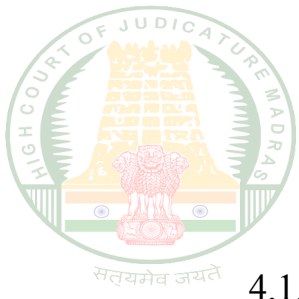


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that the plaintiffs in the said suit namely the Legal Heirs of Late Thoongaan Chettiyar and Late Sennammaal including the fifth respondent to be the absolute owner of 3.71 Acres of land. Pursuant to the order passed in O.S.No.25 of 2021, the fifth respondent has obtained Patta in his name and in the name of other Legal Heirs of Late Thoongaan Chettiyar and Late Sennammaal. Aggrieved by the same, the petitioner filed a suit in O.S.No.157 of 2022 before the Principal Sub Court, Tindivanam, for declaration to declare the Judgment and Decree passed in O.S.No.25 of 2021 as null and void and for declaration of title in his favour. In the meanwhile, the petitioner also preferred an appeal on 24.05.2024 before the second and third respondents for cancellation of Patta issued in the name of the fifth respondent. The above appeal is still pending. Aggrieved by the same, the petitioner has come before this Court.

4. At the outset, it is submitted by the learned Additional Government Pleader for the first to fourth respondents that in view of the pendency of the suit filed by the petitioner, the official respondents may have some difficulty in considering the petitioner's request in view of Rule 4(4) of the Tamil Nadu Patta Pass Book Rules, 1987.

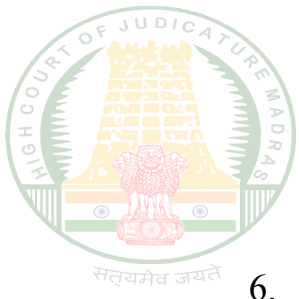


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4.1. In any event, it is submitted by learned Additional Government Pleader that the above appeal of the petitioner, which is stated to be pending would be considered and appropriate orders would be passed in accordance with law within the time frame to be fixed by this Court, which was agreed to by the learned counsel for the petitioner.

5. In view of the same, taking into consideration the facts and circumstances of the case and the limited relief sought for in this writ petition, there shall be a direction to the official respondents, to consider the appeal dated 24.05.2024 on its own merits and pass appropriate orders in accordance with law keeping in view of the provisions of the Tamil Nadu Patta Pass Book Act, 1983 and Rules, 1987, after affording a reasonable opportunity of hearing to the petitioner, the fifth respondent and the other Legal Heirs of Late Thoongaan Chettiyar and Late Sennammaal and other interested parties including rival claimants if any, within a period of 16 weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any views with regard to the merits of the case and it is open to the concerned respondent to consider and dispose of the appeal dated 24.05.2024 on its own merits and in accordance with law.



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6. The writ petition, is thus, disposed of. No Costs. Connected miscellaneous petition is closed.

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Speaking (or) Non Speaking Order
Neutral Citation : Yes / No

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To

- 1.The District Collector,
Villupuram, Villupuram District.
- 2.The District Revenue Officer,
Villupuram District, Villupuram.
- 3.The Sub-Collector,
Tindivanam,
Villupuram District.
- 4.The Tahsildar,
Tindivanam Taluk,
Tindivanam, Villupuram District.

MOHAMMED SHAFFIQ, J.



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