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W.P.No.30370 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.30370 of 2019 and
WMP.No.30362 of 2019

G.Paramasivam

... Petitioner

Vs.

1.The Assistant Settlement Officer,
Land Tax (North), Chepauk, Chennai 5

2.The Tahsildar,
Urban Land Tax Scheme, Tahsildar Office, Nagapattinam

3.The Special Tahsildar,
Urban Land Tax Scheme, Office of Urban Land Tax Scheme,
Nagapattinam

4.Shahul Hameed

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in his proceedings in Va.Ko.No. 589/ 2018 and quash the order passed therein dated 31.07.2019 and direct the 2nd respondent to restore the joint patta issued by the 3rd respondent in favour of the petitioner and the 4th respondent in respect of land in S.No. 433/1, Ward No.1, Block 6 First Line beach Road in Nagapattinam Taluk and District.

For Petitioner : M/s.Mahamandra Rajalakshmi

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For Respondents

For R1 to 3 : Mr.T.Arun Kumar,
Additional Government Pleader

For R4 : Mr.Ravichandran Sundaresan

ORDER

This writ petition has been filed challenging the order passed by the second respondent thereby rejecting the request made by the petitioner to cancel the patta issued in favour of the fourth respondent.

2. The petitioner had derived title over the property comprised in T.S.No.433/1 admeasuring 1600 sq.ft. situated in Ward No.1, Block No.6, First Line beach Road in Nagapattinam Taluk, Nagapattinam by way of settlement deed executed by his wife. Originally the subject land was owned by one, Ramadoss Pillai and he executed sale deed in favour of one, Selvapathy in respect of the superstructure. In turn, the said Selvapathy executed sale deed in favour of the petitioner's wife in respect of the land. In turn, the petitioner's wife had executed settlement deed in favour of the petitioner.

3. On perusal of the sale deed dated 31.01.1994, it is revealed



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that one, Selvapathy had purchased only superstructure from one, Ramadoss and the same was registered vide document No.122 of 1994.

The schedule of the property is very clear that the said Selvapathy had purchased only superstructure situated in TS.No.433/1, door No.3.

4. On perusal of the unregistered sale deed dated 05.02.1999, the said Selvapathy derived title as per the sale deed executed in favour of his father Ganesan dated 31.03.1994. Accordingly, his father was given enjoyment right over the land. In turn, the said Selvapathy executed sale deed in favour of the petitioner's wife in respect of the entire land admeasuring 1600 sq.ft. comprised in T.S.No.433/1 admeasuring 1600 sq.ft. situated in Ward No.1, Block No.6, First Line beach Road in Nagapattinam Taluk, Nagapattinam. Therefore, joint patta was issued in favour of the petitioner and the fourth respondent in respect of the subject property. Subsequently, on the request made by the fourth respondent, joint patta was cancelled and separate patta was issued in favour of the fourth respondent. That apart, on perusal of the records, it is revealed that GO (1D) No.103 (Revenue SS-II) (1) Department dated 01.03.2007 was issued to undertake Town Settlement Scheme so as to update the land records and to register the names of the title holders. Accordingly, the

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third respondent issued notice under Form No.I to the fourth respondent

whose name was found in the Town Survey Register in respect of the land comprised in TS.No.433/1, Ward No.1, Block No.6, Nagapattinam District to an extent of 2321.5 sq.mtrs. In response to the notice, the petitioner submitted petition for sub division and sought patta to an extent of 1600 sq.ft. However, the petitioner failed to appear before the third respondent and also did not produce any document to prove his title over the property. The fourth respondent submitted all the original documents to prove title over the property in his favour. Therefore, the third respondent issued patta in favour of the fourth respondent for the entire extent of the property admeasuring 2321.50 sq.mtrs in TS.No.433/1. Aggrieved by the same, the petitioner preferred appeal and the same was also rejected.

5. The only contention raised by the petitioner is that the third respondent as well as the appellate authority are one and the same. Therefore, the petitioner may be given one more opportunity to file his appeal before the first respondent.

6. As stated supra, on perusal of entire records, the petitioner's

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wife's vendor had no tile. The petitioner's wife's vendor had purchased only superstructure and not the grounded property. That apart, the petitioner's wife's vendor executed sale deed based on his father's sale deed dated 31.03.1994, that too by way of unregistered sale deed. Therefore, the petitioner's wife's vendor had no title over the property to settle in favour of the petitioner's wife. Whereas the fourth respondent produced all the relevant documents to prove his title over the subject property. Hence, no purpose would be served if the petitioner is allowed to file appeal before the first respondent.

7. In view of the above, this Court finds no infirmity or illegality in the impugned order. As such this writ petition is dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

18.09.2025

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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