



W.P.No.39454 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.01.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.39454 of 2024
and
W.M.P.Nos.42709 & 42711 of 2024

P.Venkatesh

.... Petitioner

Vs

1.The District Collector,
Office of the District Collector,
Namakkal District
Pincode – 637 003.

2.The District Revenue Officer,
Officer of the District Revenue Officer,
Collectorate Compound,
Namakkal District.

3.The Tahsildar of Namakkal Taluk,
Office of the Taluk Office,
Mohanur Road,
Namakkal Town and District
Pincode – 637 001.

4.R.Periyasamy

.... Respondents



W.P.No.39454 of 2024

Prayer: Writ Petition is filed under Article 226 of Constitution of India to issue a Writ of Certiorari calling for the records pertaining to the proceedings of the 3rd respondent including the name of the 4th respondent as Joint-Patta Holder in Patta No.462 with respect to the lands situated in Survey No.228 by sub-dividing it survey No.228/1A with respect to the Revenue Village called MITTA ANIYAR (மிட்டா அனியார்) Namakkal Taluk, Namakkal Distrit so as to quash the same.

For Petitioner : Ms. Jothi,
Senior Counsel
for Mr.S.Vinod
For R1 to R3 : Mr.M.R.Gokul Krishnan
Additional Government Pleader

ORDER

This Writ Petition has been filed for the following relief:

“praying to call for the records pertaining to the proceedings of the 3rd respondent including the name of the 4th respondent as Joint-Patta Holder in Patta No.462 with respect to the lands situated in Survey No.228 by sub-dividing it survey No.228/1A with respect to the Revenue Village called MITTA ANIYAR (மிட்டா அனியார்) Namakkal Taluk, Namakkal Distrit so as to quash the same.

2. It is the case of the petitioner that he has been engaged in the business of real estate from the year 2006 onwards. For his



W.P.No.39454 of 2024

business purpose, he purchased vacant patta land from various owners, consolidated and developed it into plots, obtained approval from the planning authorities, and then sell the property to various persons. In the course of his business, the petitioner purchased the following properties, which is extracted herein below:

<i>Date</i>	<i>Doc.No</i>	<i>Name of Vendors</i>	<i>Purchaser</i>	<i>Extent of land in acre</i>
17.03.2011	Deed of Sale Doc.No.741/ 2011	Chellammal and 27 others	P.Venkatesh	The purchase contains 61 items measuring in all about 22 acres. This purchase contains various survey numbers including subject issue survey No.228
11.05.2011	Deed of Sale Doc.No. 1116/2011	Palaniappan and others	P.Venkatesh	1 acre and 62 cents
17.12.2013	Deed of sale Doc.No. 2823/2013	Ramaswamy Gounder and others	P.Venkatesh	2.57 acres
24.01.2014	Sale Deed Doc.No. 143/2014	Rasai @ Ramayee, W/o.Late Chinnathambi	P.Venkatesh	1.11 acre
24.01.2024	Deed of Exchange Doc.No. 144/2014	Between R.Suseela and P.Venkatesh	R.Suseela P.Venkatesh Patta : Nil	1.47.7 acre
30.01.2024	Deed of Settlement Doc.No. 231/2014	Settlement Deed by V.Shanthi	P.Venkatesh	17.95 acre
TOTAL				46.11 Acres or about



W.P.No.39454 of 2024

3. The total extent of land purchased was 46.11 acres or about. Thereafter, the lands were pooled together and layouts were formed. The layout was also approved by the proceedings of the Deputy Director, Salem Region, Town and Country Planning vide its proceedings in Na.Ka.No.2909/2019. This layout consists of 823 plots, measuring an extent of 1800 sq.ft each. The petitioner has also gifted the land to the local body for public purpose, such as the formation of roads, etc.

4. Prior to that, the layout was approved by the Block Development Officer, Aniyar, vide its proceedings dated 21.05.2019 and 03.02.2020. The gift deeds were also registered by executing a gift deed dated 06.11.2019. The layout was called “Sri Udaya Nagar”. While so, the 4th respondent, under the instigation of the local officials and hooligans, conspired with others and sought ransom money from the petitioner which was refused. On the northern side of the layout, the petitioner owned an extent of 1 acre and 8 cents, which was not been included in the layout. There is an unused well in the said land. The



W.P.No.39454 of 2024

ingress and egress to the layout is through a 25 feet width road formed by the petitioner, which connects the layout to the Motorable Tar Road, situated on the northern side, running east to west. The 4th respondent has claimed ownership of this pathway without semblance of an ownership or title to the same and using his influence, managed to obtain a joint patta in respect of the pathway. The District Registrar, Namakkal issued a notice to the petitioner and his wife to attend an enquiry, which was initiated based on the 4th respondent's representation, who had questioned the purchase of the petitioner.

5. The petitioner would submit that he had made several representations to the authorities to delete the name of the 4th respondent from the patta. However, the same has not been taken into consideration. The 4th respondent's name has been included in the patta without notice to the petitioner. Therefore, the petitioner has come forward with this writ petition.



W.P.No.39454 of 2024

6. Without going into the merits of the case, and taking note of the fact that the patta has been granted to the 4th respondent without giving notice to the existing patta holders, the writ petition is being heard and orders are passed without notice to the 4th respondent. This writ petition is allowed and the matter is remitted back to the third respondent for considering the request of the 4th respondent for the issuance of a patta afresh, and after considering the objections of the petitioner. The aforesaid exercise shall be completed within a period of twelve weeks (12) from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is allowed.

No costs.

03.01.2025

Index : Yes/No

Internet : Yes/No

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To

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W.P.No.39454 of 2024

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W.P.No.39454 of 2024

P.T. ASHA, J.

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W.P.No. 39454 of 2024

03.01.2025