In the High Court of Judicature at Madras

Reserved on : 28.2.2025	Delivered on : 05.3.2025

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Writ Petition No.37877 of 2024
& WMP.Nos.40950 of 2024 & 3901 of 2025

N.Jayakumar ...Petitioner

Vs

1.The District Revenue Officer,
District Collector Office,
Grand Southern Trunk
Road, Chengalpattu,
Venbakkam, Tamil Nadu.
600311.

2.The Revenue Divisional
Officer, Kadapery,
Tambaram, Chennai-45.

3.The Tahsildar, Otteri,
Vandaloor, Chennai-48.

4.Tmt.Balraj Nalini Devi
5.K.Mallika
6.Mrs.Kalpana
7.Mrs.Vasthala
8.Mrs.Usha Rani
9.Mrs.Vijayalakshmi ...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records and quash the same on the file of the first respondent in proceedings Na.Ka.No.5671/2024/M4 dated 13.11.2024 in reversing the order of the second respondent in proceedings M.M.4076/2023 dated 14.3.2024 and to further direct the third respondent to issue patta in the name of the petitioner by considering his application in Appl.No.2024/0103/35/84706 dated 24.7.2024.

For Petitioner	:	Mr.V.Raghavachari, SC for Mrs.V.Srimathi
For R1 to R3	:	Mr.M.R.Gokul Krishnan, AGP
For R4 to R7, & R9	:	Mr.R.Saravanakumar
For R8	:	Mr.M.Sriram

ORDER

This writ petition has been filed challenging the proceedings of the first respondent dated 13.11.2024 and for a consequential direction to the third respondent to issue patta in the name of the petitioner by considering his application dated 24.7.2024.

2. Heard the learned Senior Counsel appearing on behalf of the petitioner, the learned Additional Government Pleader appearing for respondents 1 to 3 and the respective learned counsel appearing for respondents 4 to 7 and 9 as well as the eighth respondent.

3. The case of the petitioner is as follows :

(i) The property measuring 2.21 acres at S.No.1/2 part, Puthur Village, Vandalur Taluk, Chengalpattu District belonged to one Mr.Vittal Naidu, who settled it in favour of one of his daughters namely Mrs.Mahila vide settlement deed dated 14.12.1959 registered as doc.No.3214 of 1959 on the file of the Sub-Registrar, Pallavaram along with some other properties. The subject property fell under B-schedule in the said settlement deed. The said Mrs.Mahila sold the subject property to the petitioner vide a sale deed dated 08.6.2012 registered as doc.No.3073 of 2012 on the file of the Sub-Registrar, Tambaram for a valid sale consideration.

(ii) In the meantime, the said Mrs.Mahila found that the names of several other persons were entered in the revenue records and therefore, sought for removal of those names by submitting an application on 01.9.2008 to the District Revenue Officer, Kanchipuram. Pursuant to that, the District Revenue Officer, Kanchipuram, through proceedings dated 06.11.2012, restored the patta in favour of the original owner namely the said Mr.Vittal Naidu.

(iii) The sale deed dated 08.6.2012 that was executed in favour of the petitioner was kept as a pending document on the ground that the subject property was undervalued. Ultimately, the deficit stamp duty was paid only in the year 2023 and the document was released in the year 2024. Meanwhile, the computer patta and the other revenue records were transferred to the names of the private respondents. Hence, the petitioner sent a representation dated 12.7.2023 before the second respondent. Pursuant to that, an order dated 14.3.2024 came to be passed by the second respondent cancelling the patta issued in favour of the private respondents and directing the patta to be restored in the name of the said Mr.Vittal Naidu as was directed by the District Revenue Officer, Kanchipuram through proceedings dated 06.11.2012.

(iv) Aggrieved by the order passed by the second respondent dated 14.3.2024, the private respondents filed an appeal before the first respondent, who, vide proceedings dated 13.11.2024, reversed the order passed by the second respondent dated 14.3.2024 and directed the patta to be issued in the names of the private respondents. It was further directed that the petitioner should work out his remedy before the civil court if he is questioning the sale deeds executed in favour of the private respondents in the year 1982 as fraudulent documents. As against the same, the petitioner has come forward with this writ petition.

4. The main ground that was raised on the side of the petitioner is that the District Revenue Officer, Kanchipuram already passed an

order on 06.11.2012 restoring the patta in the name of the original owner namely the said Mr.Vittal Naidu and directed the parties to work out their remedies before the competent civil court. While so, the first respondent cannot review the said order dated 06.11.2012 through the subsequent proceedings dated 13.11.2024.

5. The other submission that was made on the side of the petitioner is that the private respondents had fabricated the sale deeds of the year 1982 and the name of the said Mrs.Mahila, who was the original owner, was forged. On coming to know of the same, the said Mrs.Mahila made a representation before the District Revenue Officer, Kanchipuram on 01.9.2008, that on considering the fact that the fraudulent documents were fabricated by the private respondents, the patta was restored in the name of the said Mr.Vittal Naidu, who was the original owner and that If at all the private respondents are aggrieved, they should have moved only the civil court and they cannot be allowed to establish their right and title before the Revenue Authorities.

6. This Court heard the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned order.

7. There is no dispute with regard to the fact that the said Mrs.Mahila had acquired the subject property by means of a settlement deed dated 14.12.1959. The specific case of the private respondents is that she entered into a sale agreement with one Mrs.Anbumani, who approached the private respondents offering to sell the subject property from the said Mrs.Mahila. Accordingly, five individual sale deeds were executed by the said Mrs.Mahila in favour of respondents 4 to 6, 8 and 9 and in those sale deeds, the said Mrs.Anbumani also subscribed her signature since she was the agreement holder. After execution of the said sale deeds, the revenue records were mutated in the names of the respective owners and the patta was also issued in the names of the private respondents to the tune of 2.21 acres of land.

8. It is relevant to note that the 8th respondent, who purchased 50 cents of the subject property from the said Mrs.Mahila, sold 25 cents of the subject property in favour of the 7th respondent vide sale deed dated 18.2.1985 registered as doc.No.1035 of 1985 on the file of the Joint Sub-Registrar, Tambaram, Chennai for a valid sale consideration.

9. Later, the said Mrs.Mahila sent a representation dated 01.9.2008 to the District Revenue Officer, Kanchipuram stating that the names of the private respondents were entered in the revenue records by means of fraudulent documents. In turn, the District Revenue Officer, Kanchipuram, vide proceedings dated 06.11.2012, passed an order restoring the revenue records in the name of the original owner namely the said Mr.Vittal Naidu. While passing the said order dated 06.11.2012, in the very same proceedings, a direction was given to the Tahsildar, Chengalpet that if any documents were submitted by the private respondents to establish their right and title, the patta could be issued in their names.

10. What is apparent from the proceedings dated 06.11.2012 is that the private respondents were not put on notice. The private respondents, on coming to know of the said order dated 06.11.2012, submitted their title documents before the Tahsildar, Chengalpet, who, on verification of the title deeds and other revenue documents, issued the patta in the names of the private respondents on 18.2.2014. Thus, the proceedings of the District Revenue Officer, Kanchipuram dated 06.11.2012 was followed up by the private respondents and based on the directions issued therein, the Tahsildar, Chengalpet proceeded to issue patta and chitta in the names of the private respondents.

11. The sale deed dated 08.6.2012 was executed by the said Mrs.Mahila in favour of the petitioner and the property that was covered in this sale deed is the very same property that was covered in the earlier sale deeds, which were stated to have been executed by the said Mrs.Mahila in favour of the private respondents in 1982. The said Mrs.Mahila, during her life time, did not take any steps to seek for a declaration to declare those sale deeds of the year 1982 as null and void. But, she was working out her remedy only before the Revenue Authorities.

12. As stated supra, the sale deed was executed in favour of the petitioner in the year 2012. However, it was kept as a pending document on the ground of undervaluation and ultimately, the deficit stamp duty was paid only in the year 2023 and the document was released in the year 2024. Thus, during the interregnum period from 2014 to 2024, the revenue records stood in the names of the private respondents. After the sale deed was registered and released, the petitioner made a representation before the second respondent, who, vide proceedings dated 14.3.2024, once again directed the revenue records to be restored in the name of the original owner namely the said Mr.Vittal Naidu. While passing the order dated 14.3.2024, the second respondent had merely granted the relief that was earlier

granted by the District Revenue Officer, Kanchipuram vide proceedings dated 06.11.2012.

13. In the impugned proceedings, the first respondent had taken note of the sale deeds that were executed in favour of the private respondents. He also found that all the sale deeds were of the year 1982 whereas the same property was conveyed in favour of the petitioner in the year 2012. Considering the same, since the prior sale deeds stood in the names of the private respondents and the revenue records also stood in their names after the purchase, the first respondent directed the revenue records to be restored in the names of the private respondents. It was further made clear by the first respondent that if ultimately the petitioner is able to establish that the sale deeds executed in 1982 in favour of the private respondents were forged and fraudulent documents, he can seek for cancellation of the patta and that the Tahsildar concerned can take appropriate decision at that point of time.

14. The learned Senior Counsel appearing on behalf of the petitioner was repeatedly arguing that the sale deeds executed in favour of the private respondents in 1982 were forged and fabricated documents since, in none of those sale deeds, the thumb impression

of the said Mrs.Mahila was not found and that the agreement holder had connived with the private respondents and created those sale deeds.

15. It is neither prudent for the Revenue Authorities nor for this Court exercising its jurisdiction under Article 226 of The Constitution of India, to go into the genuineness or otherwise of the registered documents. To render a registered document as null and void, it requires letting in evidence and also appreciation of evidence, which take place only before the competent civil court. It is not possible for this Court to declare the sale deeds executed in favour of the private respondents as null and void and non-est and uphold the sale deed executed in favour of the petitioner in the year 2012.

16. The impugned proceedings of the first respondent dated 13.11.2024 cannot be held to be a review of the earlier order passed by the District Revenue Officer, Kanchipuram on 06.11.2012. As held supra, the proceedings of the District Revenue Officer, Kanchipuram dated 06.11.2012 was issued without notice to the private respondents. That apart, in the very same order, it was made clear that it would always be left open to the private respondents to produce necessary documents to establish their right and title over the subject

property and in such an event, the Tahsildar concerned could issue the patta in their favour. This direction issued by the District Revenue Officer, Kanchipuram was followed up and the sale deeds executed in favour of the private respondents were produced before the Tahsildar concerned. Further, the third respondent issued the computerized patta in favour of the private respondents.

17. This has been taken note of by the first respondent in the impugned proceedings dated 13.11.2024. Hence, the impugned order does not suffer from any illegality nor is vitiated by any error of law apparent on the face of the order. Unfortunately, in the present case, the parties have chosen to agitate their dispute only before the Revenue Authorities, who do not have the jurisdiction to decide on the validity or otherwise of a registered document. In the considered view of this court, it has to be done only before a competent civil court. Considering the fact that the sale deeds executed in favour of the private respondents were much prior in point of time, the patta was directed to be restored in their names. In other words, the sale deed, which was executed in favour of the petitioner in the year 2012 and which was ultimately registered only in the year 2024, was a latter sale deed dealing with the same property and obviously the Revenue Authorities cannot act upon based on the sale deed dated 08.6.2012

nor grant patta in favour of the petitioner.

18. In the light of the above discussions, this Court does not find any ground to interfere with the impugned proceedings of the first respondent in Na.Ka.No.5671/2024/M4 dated 13.11.2024.

19. Accordingly, the writ petition is dismissed. No costs. Consequently, the connected WMPs are also dismissed.

05.3.2025

To
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600311.

2.The Revenue Divisional
Officer, Kadapery,
Tambaram, Chennai-45.

3.The Tahsildar, Otteri,
Vandaloor, Chennai-48.

RS

N.ANAND VENKATESH,J

RS

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