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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.02.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.4158 of 2025

Kolanji

..Petitioner

Vs.

1. The Sub Collector,
Vriuddhachalam,
Cuddalore District – 607 001

2. The Tahsildar,
Vriddhachalam,
Cuddalore District – 607 001

3. The Assistant Director of Survey and Land Records,
District Survey Office,
New Collectorate, Cuddalore – 607 001

4. The Revenue Circle Inspector,
Vriddhachalam South Firka,
Vriddhachalam Taluk,
Cuddalore District.

5. Madhavan

6. Kamatchi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for



issuance of a Writ of Mandamus directing the Respondents 1 to 3 to cancel the patta wrongly issued in the name of Late Arumugam son of bakiri Padayatchi for the land measuring 44 square meters under Survey No.27 (old Field No. 289 pa) Vridhachalam Taluk Cuddalore District and issue a new patta in the name of the petitioner.

For Petitioner : Mr.M.Elumalai

For Respondents : Mr.M.R.Gokul Krishnan
Additional Government Pleader
for R1 to R4

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the respondents 1 to 3 to act upon the representation made by the petitioner wherein the petitioner is seeking for cancellation of patta that stands in the name of late Arumugam with respect to the subject property and to issue fresh patta in the name of the petitioner.

2. Heard Mr.M.Elumalai, learned counsel for the petitioner and Mr.M.R.Gokul Krishnan, learned Additional Government Pleader for Respondents 1 to 4.

3. In the case in hand, the petitioner is claiming right over the property



by virtue of an unregistered document. The petitioner claims to be in possession of the property. The patta stands in the name of one Arumugam. The petitioner wants that patta to be cancelled and fresh patta to be issued in his name.

4. Admittedly, in this case, the petitioner does not possess any document of title. If there was an agreement and it was not acted upon, the petitioner should have sought for the relief of specific performance. That has not been done. Therefore, the only other alternative left to the petitioner is to seek for a declaration of title before the competent Civil Court. Without the title of the petitioner being declared either by a document or by a competent Civil Court, there is no question of the revenue authorities to consider the application submitted by the petitioner seeking for patta. Hence, it is left open to the petitioner to work out his remedy before the competent Civil Court and based on the same, make his request for patta before the revenue authorities. Except giving this clarity, no further orders can be passed in this writ petition.

5. This writ petition is disposed of in the above terms. No costs.



13.02.2025

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Index : Yes/No

Internet : Yes/No

Speaking Order / Non Speaking Order

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To

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N. ANAND VENKATESH, J.

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