

W.P.(MD)No.7148 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2025

CORAM:

THE HON'BLE MR.JUSTICE P.B. BALAJI

W.P.(MD).No.7148 of 2024

and

W.M.P(MD).Nos.6609 and 6610 of 2024

Venkatesh

... Petitioner

Vs.

1. The District Collector,
Tenkasi District,
Tenkasi.
2. The District Revenue Office,
Tenkasi District,
Tenkasi.
3. The Tahsildar,
Kadaiyanallur Taluk,
Tenkasi District.
4. Paulraj
5. Karunanithi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Proceedings issued by the



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3rd respondent in Na.Ka.No.A2/453/2023 dated 14.12.2023 and quash the same on the ground that the same is arbitrary illegal and without any legal basis and consequently directing the respondents no.1 to 3 to issue the Joint Patta to the petitioner and the Petitioners brothers namely Narendran Sankar in connection with properties in Survey No. 311/1C to an extent of 0.07.00 Hectares Survey No. 311/1D to an extent of 0.43.00 Hectares Survey No. 311/1G to an extent of 0.68.00 Hectares total extent of 2 Acres 40 Cents situated at Kambaneri Pudhukudi village – 1, Kadaiyanallur Taluk, Tenkasi District.

For Petitioner : Mr.P.Krishnasamy
For R1 to R3 : Mr.C.Satheesh
Government Advocate
For R4 & R5 : Mr.R.Paranjothi

ORDER

The petitioner challenges the impugned order passed by the 3rd respondent in Na.Ka.No.A2/453/2023 dated 14.12.2023. The petitioner claims right under his grandmother Vellaiyammal who had purchased the subject property under various sale deeds, all of which were duly registered before the Sub Registrar concerned.



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2. According to the petitioner, the respondents 4 and 5 claiming right to the very same property of the petitioner has objected to the grant of patta to the petitioner and his brothers. The 3rd respondent after considering the documents produced by both the parties, noticed rival claims to title and hence refused to entertain the application of the petitioner for issuance of separate patta and further directed the petitioner to approach the competent Civil Court for necessary relief.

3. The learned counsel appearing for the petitioner would submit that the petitioner has been able to substantiate his title and interest to the subject lands by way of registered sale deeds in favour of his grandmother, who subsequently executed 'will' in favour of her son, i.e., the father of the petitioner namely Chellappa, who in turn settled the property in favour of the petitioner and his brothers. He would further submit that the 3rd respondent's order is without considering the material documents which have been produced by the petitioner.



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4. Per contra, learned counsel appearing for the respondents 4 and 5 would submit that the property was originally owned by one Vellaiyammal their grandmother, who had purchased the same under a registered sale deed dated 21.03.1981 and subsequently she died intestate leaving behind her legalheirs and thereby property devolved only upon the legal heirs of the said Vellaiyammal including the mother of the respondents 4 and 5 namely Theivanai.

5. The learned counsel appearing for the respondents 4 and 5 therefore would submit that there is no infirmity in the order passed by the 3rd respondent warranting interference under Article 226 of Constitution of India.

6. However, learned counsel appearing for the petitioner would attack the genuineness of the death certificate issued by the Village Panchayat in respect of Vellaiyammal namely the grandmother of respondents 4 and 5.



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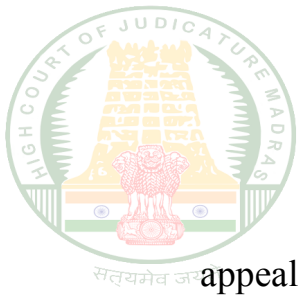
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7. According to the learned counsel appearing for the petitioner, the 4th and 5th respondents are influential and they have managed to fabricate the death certificate of one Vellaiyammal, as if she died on 01.01.1980 at the age of 85 years.

8. Heard the learned counsel on either sides and perused the materials available on records.

9. The writ petitioner is claiming title in parallel with the respondents 4 and 5 and therefore, I am unable to find fault with the ultimate decision arrived by the 3rd respondent that the petitioner would have to approach the competent Civil Court for restraining his grievance, if any.

10. However, at this stage the learned counsel appearing for the petitioner submits that the order passed by the 3rd respondent is without considering the documents and also the arguments advanced on behalf of the petitioner and therefore, the petitioner seeks for preferring statutory



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appeal before the Revenue Divisional Officer available under the Patta Pass Book Act.

11. Considering the said request of the learned counsel appearing for the petitioner, writ petition is disposed of without going into the merits of the respective contentions of both parties leaving it open to the petitioner to challenge the impugned order of the 3rd respondent before the Revenue Divisional Officer, Tenkasi.

12. Considering the fact that the time limit for preferring an appeal is already over, however, the petitioner having agitated the order of the 3rd respondent before this Court, I give liberty to the petitioner to prefer a statutory appeal within a period of two weeks from the date of receipt of a copy of this order and if such an appeal is preferred to the District Revenue Officer, Tenkasi, within a period of two weeks from the date of receipt of a copy of this order, then the Revenue Divisional Officer shall entertain the appeal and dispose of the same on merits after hearing the petitioner as well as the respondents 4 and 5 in accordance with law within a period of 8 weeks thereafter.



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13. The writ petition is disposed of with the above observations and directions. No costs. Consequently, connected miscellaneous petitions are closed.

14.03.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm

To

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