



W.P.No.30085 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2026

Coram

The Honourable **Mr.Justice Krishnan Ramasamy**

W.P.No.30085 of 2024

and

W.M.P.Nos.32780 & 32783 of 2024

1 V.MURUGAMMAL

2 P.SHANTHI

...Petitioners

Vs.

1 THE DISTRICT REVENUE OFFICER
OFFICE OF DISTRICT REVENUE OFFICER
ERODE DISTRICT.

2 THE REVENUE DIVISIONAL OFFICER
OFFICE OF THE REVENUE DIVISIONAL OFFICER
GOPICHETTYPALAYAM ERODE.

3 THE TASHILDAR
TALUK OFFICE BHAVANI TALUK ERODE DISTRICT.

4 G.SHANMUGAM

...Respondents

Prayer

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for records from 1st Respondent's proceedings Letter No.Pa.Mu 24993/2022/uo4 dated 04.09.2024 pertaining to cancellation of Patta of Petitioner's property, which is situated in Resurvey No. 362/ 1 (Nattam S.F.No.1177/1) Salangapalayam Village, Bhavani Taluk, Erode District with the extent of 8 cents and to quash the same consequently, to direct the 1st respondent to restore the petitioner's name in Patta No.1069.

1/12



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W.P.No.30085 of 2024

For Petitioners : Mr.P.Saravanan
For Respondents 1 to 3 : Mr.C.Gowthamaraj
Government Advocate
For Respondent-4 : Mr.B.M.Subash

Order

Heard Mr.P.Saravanan, learned counsel appearing for the petitioner, Mr.C.Gowthamaraj, learned Government Advocate for respondents 1 to 3 and Mr.B.M.Subash, learned counsel for the fourth respondent.

2. This Writ Petition is filed seeking for the following prayer:-

i) To quash the 1st Respondent's proceedings dated 04.09.2024 pertaining to cancellation of Patta of Petitioners' property morefully described in the prayer of this Writ Petition and consequently, to direct the 1st respondent to restore the petitioners' name in Patta No.1069.

3. Learned counsel for the petitioners would submit that the petitioners purchased the subject property from one Munusamy vide registered Sale Deeds both dated 22.02.2001; that since the fourth respondent attempted to disturb the petitioners' peaceful possession of the property, both the petitioners filed suits for declaration and permanent injunction in O.S.No.272 of 2001 and A.S.No.34 of 2008 and obtained judgment and decrees dated 05.09.2003 and 24.03.2010 in their favour; that



W.P.No.30085 of 2024

after the said decrees, patta was also transferred in the joint names of the petitioners under Natham Land Register on 31.07.2013; that later one Palanisamy has filed a Petition to cancel the patta granted in the names of the petitioners, however, the third respondent after conducting enquiry rejected the said Petition; that subsequently, based on a complaint given by the fourth respondent, the second respondent issued summon to the petitioners calling for an enquiry towards cancellation of patta; that though the petitioners filed their reply, the second respondent without considering the same, passed an order dated 01.06.2022 for cancellation of patta; that aggrieved by which, the petitioners filed an appeal before the first respondent, however, the first respondent also passed an order dated 04.09.2024 for cancellation of patta granted in the names of the petitioners; challenging the said order dated 04.09.2024, the present Writ Petition is filed.

4. The learned Government Advocate for the Official Respondents, viz., respondents 1 to 3 would submit that on verification of the revenue records, it is found that the subject land is a Government Poromboke Land, meant for the purpose of putting up a Ambedkar Reading Room/Library for



W.P.No.30085 of 2024

the use of the general public, but the said Munusamy (who is the son of Maran) utilized the said Government Poramboke Land measuring an extent of 0.08 cents, alleging that, it was assigned to his father Maran (deceased) and sold the same in favour of the petitioners on 22.02.2001; that, since there is no provision to issue house site with an extent of 0.08 cents, the claim of Munusamy for the ownership of the Government Poramboke Land is absolutely wrong; that unless and until, relaxation of the conditions framed on the assigned conditionally, the land belongs to the Government, and the petitioners cannot claim right over the same, and taking into consideration of the aforesaid aspects, the first respondent passed the impugned order and cancelled the patta issued in favour of the petitioners and the same requires no interference.

5. I have given due consideration to the submissions made by the learned counsel for the petitioner and the learned Government Advocate for the respondents 1 to 3 and the learned counsel for the fourth respondent and perused the materials placed on record.



W.P.No.30085 of 2024

6. The first petitioner purchased the property measuring to an extent of 5 cents out of 8 cents from one Munusamy for a valuable consideration and the remaining 3 cents out of 8 cents was purchased by the second petitioner herein and both the Sale Deeds were registered vide Document Nos.345 & 346 of 2001 dated 22.02.2001. Since the fourth respondent, G.Shanmugam along with public raised objection for putting up of any construction in the subject land by the petitioners and also attempted to disturb the petitioners peaceful possession and enjoyment of the subject property, the first petitioner filed a suit in O.S.No.272 of 2001 against the fourth respondent for declaration. The said suit was decreed vide judgment and decree dated 05.09.2003. Similarly, the second respondent also filed a suit in O.S.No.299 of 2004 against the fourth respondent for permanent injunction. Though the said suit was dismissed by the Trial Court vide judgment and decree dated 25.06.2005, as against the said judgment, Appeal Suit was filed in A.S.No.34 of 2008 and the First Appellate Court allowed the Appeal Suit in favour of the second petitioner vide judgment and decree dated 24.03.2010.

6.1 Thus, the petitioners after succeeding in the suits also obtained joint patta in their favour under Natham Land Register on 31.07.2013.



W.P.No.30085 of 2024

Though one Palanisamy has filed an Objection Petition to cancel the patta granted in the names of the petitioners, the third respondent, Thasildar after conducting enquiry rejected the said Objection Petition.

6.2 Notwithstanding the same, based a complaint given by the fourth respondent, who raked up the issue once again, the second respondent, RDO issued summons to the petitioners calling for an enquiry towards cancellation of patta. Despite the petitioners have filed reply setting out the clear facts and filed proof as regards their right/title/interest over the subject property, the second respondent without considering the same, passed an order for cancellation of patta dated 01.06.2022. Aggrieved by the said order passed by the second respondent, the petitioners filed an appeal before the first respondent. However, the first respondent also passed the order of cancellation of patta granted in the names of the petitioner. Impugning the said order dated 04.09.2024, the present Writ Petition is filed.

7. It is an undisputed fact that the subject land was an Assignment Land assigned to and in favour of one Maran by virtue of the Revenue Standing Order dated 28.02.1961. After demise of the said Maran, his



W.P.No.30085 of 2024

father, Munian got the assignment in his favour and thereafter, the petitioners' vendor, viz, Munusamy, being the son of the said Maran enjoyed the subject property. Thereafter, the petitioners have purchased the subject land from the said Munusamy. When the petitioners attempted to construct a Building in the said land, the fourth respondent along with public made an objection.

8. Under the aforesaid circumstances, both the petitioners have filed Suits. Though it is the contention of the learned Government Advocate for the Official Respondents that the subject land, measuring 0.08 cents has been shown in the Revenue Records as 'Government Poramboke Land', meant for the purpose of putting up a Library for the use of the general public, but the petitioners' vendor, the abovesaid Munusamy usurped the said land by alleging that, it was assigned to and in favour of his father Maran and sold the same to the petitioners; that is the reason why, the Official Respondents were not purposely impleaded as party respondents in the suits filed by the petitioners and behind their back, the petitioners have obtained decrees in their favour, admittedly, neither the respondents 1 to 3 nor the fourth respondent have filed any further appeal challenging the said judgements



W.P.No.30085 of 2024

and decrees passed in favour of the petitioners. Even when the fourth respondent raised objection by bring into notice of the Official Respondents about the sale of the property in favour of the petitioners and the constructions put up by the petitioners, the Official Respondents ought to have approached the Civil Court for nullifying the judgments and decrees passed in favour of the petitioners, instead, the Official Respondents allowed the judgments rendered in favour of the petitioners to attain finality.

9. Thus, the respondents, being Government Officials are supposed to have followed the procedures and having failed to follow the procedure, they cannot, all of a sudden, can claim that the subject land belongs to the Government and therefore, patta cannot be issued in the names of the petitioners.

10. Even otherwise also, the Official Respondents are estopped from raising such an issue that the subject land belongs to the Government for the reason that, the subject property was assigned to and in favour of the petitioner's vendor's father, Maran on 28.02.1961, after the demise of his father, his grandfather, Munian inherited the same and after his grandfather's



W.P.No.30085 of 2024

death, the property was assigned to the petitioner's vendor, Munusamy. In fact, the said Munusamy filed a suit for bare injunction in respect of the subject land against the defendants, viz., one Makali and Maran (Son of Chennai) which culminated in Second Appeal, wherein, a compromise decree was passed on 01.04.2022 in S.A.Nos.73 of 1998 and S.A.No.74 of 1998 and by virtue of the judgment passed in the Second Appeals, the said Munusamy become the absolute owner of the subject property. .

12. Therefore, after 40 years, the assigned land was sold in favour of the petitioners. Though cancellation was stated to have made in the year 1980, the respondents 1 to 3 are supposed to have made necessary changes in the revenue records. Therefore, official respondents without issuing any notice to the petitioner's vendor, who was assigned the subject land, cannot unilaterally cancel the patta. Further, the Official Respondents are not in possession of any records pertaining to the cancellation of patta given in favour of the petitioner's vendor. Even when it comes to cancellation of patta even in respect of one cent or two cents of land, the Official Respondents are supposed to maintain records insofar as assigned lands are concerned.



W.P.No.30085 of 2024

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13. Thus, the Official Respondents having remained as mute spectators for nearly 40 years, it is not fair on their part now to contend that the petitioners' vendor Munusamy usurped the Government Land and sold the same to the petitioners, and therefore, the petitioners being the subsequent purchasers are not entitled to the patta and proceed to cancel the patta issued in favour of the petitioners at this distance point of time, i.e in the year 2024, when admittedly, the Official Respondents are not in possession of any records to show that assignment of the land was not made in favour of the petitioner's vendor in the year, 1961.

14. In the light of the above, this Court is inclined to set aside the impugned order passed by the first respondent dated 04.09.2024. Consequently, the first respondent is directed to issue patta in favour of the petitioners within a period of four weeks from the date of receipt of a copy of this order.

15. This Writ Petition is allowed on the aforesaid terms. No costs. Consequently, connected Miscellaneous Petitions are closed.



W.P.No.30085 of 2024

12.03.2026

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Index : yes/no

Neutral Citation : yes/no

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Krishnan Ramasamy,J.,

11/12



WEB COPY



W.P.No.30085 of 2024
sd

W.P.No.30085 of 2024

12.03.2026