



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2016

C O R A M

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)No.12865 of 2016

and

W.M.P(MD)No.9718 of 2016

R.Venkataraman

.. Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Madurai.

3.The Tahsildar,
Tirupparankundram Taluk,
Thirunagar,
Madurai - 625 006.

4.Padmalatha Ganesan

..Respondents

Prayer : Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus, calling for the records in Na.Ka.2715/2015/B, dated 27.06.2016 on the file of third respondent Tahsildar, Tirupparankundram Taluk and quash the same as illegal, ultra vires, unconstitutional and without jurisdiction and in consequence restrain the third respondent from effecting any mutation of revenue records with regard to Old Patta No.1317 issued to Old Survey No.188/1A, 297/1, 335/4 and 337/2 at Madakkulam Village, Tirupparankundram Taluk, Madurai District and for consequential reliefs.

For Petitioner : Mr.S.Ramesh

For RR 1 to 3 : Mr.S.Kumar
Additional Government Pleader

**ORDER**

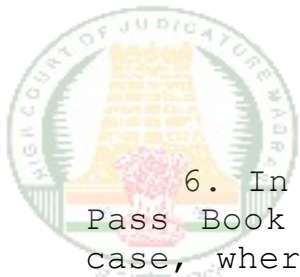
The petitioner herein seeks for the issuance of a Writ of Certiorarified Mandamus, calling for the records in Na.Ka.2715/2015/B, dated 27.06.2016, on the file of third respondent-Tahsildar, Tirupparankundram Taluk, and to quash the same as illegal, ultra vires, unconstitutional and without jurisdiction and, in consequence, to restrain the third respondent from effecting any mutation in the revenue records regarding Old Patta No.1317 corresponding to Old Survey Nos.188/1A, 297/1, 335/4 and 337/2 at Madakkulam Village, Tirupparankundram Taluk, Madurai District, and for other reliefs.

2. By the impugned notice, dated 27.06.2016, issued by the Thasildar, Tirupparankundram, the petitioner has been called upon to appear for an enquiry at 03.00 p.m on 11.07.2016 with regard to modification of joint patta.

3. Heard the learned counsel for the petitioner. Mr.S.Kumar learned Additional Government Pleader takes notice for respondents-1 to 3.

4. Mr.S.Ramesh, learned counsel appearing for the petitioner, submitted that the property in Old Survey Nos.188/1A, 297/1, 335/4 and 337/2 originally belonged to one Thirumalai Ammal, who died on 16.06.1951, leaving behind her husband-M.Sundaram and four sons, namely Ramasamy, Sankaran, Meenakshisundaram and Krishnamoorthy and three daughters namely Muthulakshmi, Pankajam and Meenakshi. After the demise of the said Thirumalai Ammal, the above said properties were inherited by her husband along with their four sons only. After the death of the said Sundaram on 21.06.1951, only the four sons are entitled to inherit the same as per the Hindu Succession Act. While so, the fourth respondent/daughter of Meenakshi Natarajan, who is the last daughter of Sundaram and Thirumalai Ammal, filed an application before the third respondent seeking to add her name in the revenue records pertaining to the property in question. The grievance of the petitioner is that the third respondent ought not to have issued the impugned notice based on the application of the said daughter of Meenakshi Natarajan, who cannot have any claim over the property in question.

5. It seems that through Advocate, the petitioner participated in the enquiry conducted on 11.07.2016, in third respondent office. That being so, his apprehension that his appearance would be misconstrued as if he has subjected to the jurisdiction of the third respondent is absolutely unwarranted. As a matter of fact, the petitioner has got an opportunity to convince the third respondent that the fourth respondent has no right whatsoever over the property. Therefore, in my considered view, this Writ Petition is wholly misconceived.



6. In fact, a reading of Section 3(7) of the Tamil Nadu Patta Pass Book Act, 1983, with the second proviso shows that in any case, where the Tahsildar is satisfied that any person is not the owner of any land for which a Patta Pass Book is applied for or claimed, he shall for reasons to be recorded in writing, reject the application or claim, for the issue of a Patta Pass Book in respect of such land. Since it is for the petitioner to make out his case by appearing before the third respondent in response to the impugned notice, this Court is not inclined to entertain the Writ Petition. It is open to the petitioner to raise all the objections before the third respondent at the time of enquiry. It has been emphatically submitted before this Court that the fourth respondent has no legal right whatsoever over the property. However, once again it is made clear that it is open for the petitioner to canvass this point before the third respondent and the said aspect shall be considered on merits.

7. For the foregoing reasons, this Court finds no merit in the Writ Petition and accordingly, the same stands dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

- 1.The District Collector, Madurai District, Madurai.
- 2.The Revenue Divisional Officer, Madurai.
- 3.The Tahsildar, Tirupparankundram Taluk, Thirunagar, Madurai - 625 006.

+1 CC to Mr.V.RAGHAVACHARI, Advocate, SR No.38599

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.38770

W.P(MD)No.12865 of 2016
and W.M.P(MD)No.9718 of 2016
21.07.2016

ps

SH/DB:15.09.2016:3P/6C