



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:20/09/2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASANWrit Petition (MD) No.17816 of 2016andW.M.P (MD) No.12842 of 2016

Thamayanthi

... Petitioner

Vs.

1.The District Revenue Officer,
Theni District, Theni.2.The Revenue Divisional Officer,
Periyakulam,
Theni District.3.Rukkumani
4.Thulasimani
5.Ramanathan

... Respondents

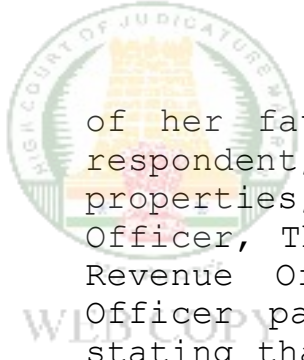
Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Na.Ka.No.20585/2014/D4, dated 02.04.2014 passed by the 1st respondent and quash the same and consequently directing the 1st respondent to include the petitioner as well as the 3rd and 4th respondents' name along with the 5th respondent in Patta No.2100 with regard to the property at S.Nos.3103 admeasuring of 0.81.0 Hec., Survey No.1554 admeasuring in 1.21.5 Hec., situated at Kenguvarpatti Village, Periakulam Taluk, Theni District.

For Petitioner : Mr.K.Viralinathan
For R-1 to R-3 : Mr.V.Muruganandham,
Additional Government Pleader

ORDER

This Writ Petition has been filed by the petitioner challenging the order passed by the District Revenue Officer, Theni District, rejecting the petitioner's claim to transfer patta in favour of the petitioner and the respondents-3 & 4 along with the fifth respondent.

<https://hcservices.ecourts.gov.in/hcservices/> The contention of the petitioner is that the properties are ancestral properties and the respondents-3 and 4 are her sisters and the fifth respondent is her brother. After the death



of her father, patta has been given in the name of the fifth respondent, who is her brother. While so, claiming right over the properties, she made an application before the Revenue Divisional Officer, Theni District and the same was referred to the District Revenue Officer, Theni District. Now, the District Revenue Officer passed an order rejecting the claim of the petitioner stating that there is a title dispute and further, well before the amendment in the Hindu Succession Act, patta has been transferred to the fifth respondent and the only remedy available to the petitioner is to approach the civil Court to get a decree of partition and then only, patta can be transferred as claimed by the petitioner.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents-1 to 3.

4. I find no error in the order passed by the first respondent. Since the petitioner is claiming right over the ancestral properties, she should necessarily approach the civil Court for getting necessary decree of partition, then only, she can approach the concerned Tahsildar to get patta in her name. The Revenue Authorities cannot go into the title dispute between the parties and therefore, there is no infirmity in the order passed by the District Revenue Officer.

5. In the result, this Writ Petition is dismissed. However, liberty is given to the petitioner to approach the civil Court seeking necessary relief. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub-Assistant Registrar

To

1.The District Revenue Officer,
Theni District, Theni.

2.The Revenue Divisional Officer,
Periyakulam, Theni District.

+One cc to Mr.K.Viralinathan, Advocate, SR.No.54635

+One cc to The Special Government Pleader, SR.No.54171

Copy to: The Section Officer, V.R.Section,
Madurai Bench of Madras High Court, Madurai

pm

RL/6C/2P/CK/30/9/2016

W.P(MD)No.17816 of 2016