



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 13.03.2019

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P (MD) No. 4994 of 2017

and

W.M.P. (MD) No. 4037 of 2017

M.Manivel @ Manivelpandian

... Petitioner

Vs.1. The District Revenue Officer,
Tuticorin, Tuticorin District.2. The Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.3. The Tahsildar,
Vilathikulam Taluk,
Thoothukudi District.

4. R.Sathyan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorari calling for the records relating to the impugned proceedings in Na.Ka.D3/45393/2012, dated 27.02.2017 issued by the first respondent herein and to quash the same as illegal.

For Petitioner : Mr.T.A.Ebenezer

For R1 to R3 : Mr.R.Sethuraman

Special Government Pleader

ORDER

Heard the learned counsel appearing on either side.

2.The subject property is situated in Survey Nos.276/8 and 276/9 in Kulathur North village, Vilathikulam Taluk, Thoothukudi District. The said property originally stood in the name of one Mookaiah. The said Mookaiah was blessed with five sons and five daughters. The writ petitioner herein is the one of the grand son born through a son. Likewise, the fourth respondent herein is



another grand son born through another son of Mookaiah.

3. The grievance of the writ petitioner is that in the revenue records, instead of reflecting the names of all the legal heirs of Mookaiah, it showed only the name of the fourth respondent Sathyan alone. Questing the same, the writ petitioner moved the Revenue Divisional Officer, Kovilpatti. The Revenue Divisional Officer, Kovilpatti allowed the appeal filed by the writ petitioner and set aside the order passed by the third respondent in favour of the fourth respondent. Challenging the same, the fourth respondent filed a Revision before the District Revenue Officer, Tuticorin. The District Revenue Officer, Tuticorin, allowed the revision filed by the fourth respondent. The same is under challenge in this writ petition.

4. It is not dispute that the property originally stood in the name of Mookaiah. The said Mookaiah is no more. It is again not in dispute that he had five sons and five daughters. Therefore, the fourth respondent cannot claim that he is the sole legal heir, in whose name the property should be shown. If, according to the fourth respondent, he had purchased the interest of all the co-sharers, then it would be a different matter altogether. But then, this assertion of the fourth respondent is contested by the writ petitioner. Therefore, in the very nature of things the revenue records should reflect the names of all the legal heirs of Mookaiah. The contest between the writ petitioner and the fourth respondent must be resolved only before the Civil Court. The respective parties will abide by the outcome of any suit proceedings that may be instituted by either parties. It is made clear that this Court has not gone into the *inter se* claims of the writ petitioner and the fourth respondent.

5. With the above observations, the order impugned in this writ petition is set aside and this writ petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are also dismissed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The District Revenue Officer,
Tuticorin, Tuticorin District.
2. The Revenue Divisional Officer,
Kovilpatti, Thoothukudi District.



3. The Tahsildar,
Vilathikulam Taluk,
Thoothukudi District.

+1 CC to M/s.T.A.EBENEZER, Advocate (SR-53621[F] dated 13/03/2019)
+1 CC to M/s.SPL GP (SR-53975[F] dated 14/03/2019)
+1 CC to M/s.P.GANAPATHI SUBRAMANIAN, Advocate (SR-54177[F] dated
14/03/2019)

RJ2

TE : 25/03/2019 : 3P/7C

W.P (MD) No.4994 of 2017
13.03.2019