



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P.(MD).No.26762 of 2019

R.Kothalam

.. Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Dindigul District.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Dindigul.

3.The Tahsildar,
Nilakottai Taluk Office,
Nilakottai,
Dindigul District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents herein to remove the name of Veeranan Ambalam and insert the name of the petitioner's grand father namely Sinnu Ambalam in the revenue records pertaining to the property comprised in S.No.125/1D, situated at Pallapatti Village, Nilakottai Taluk, Dindigul District, on the basis of the petitioner's representation, dated 27.11.2019, within the time stipulated by this Court.

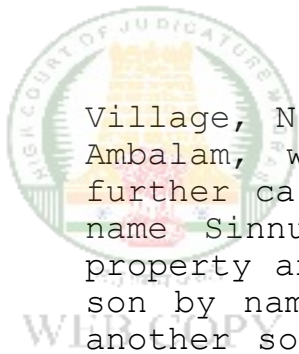
For Petitioner	:	Mr.B.Jameel Arasu
For Respondents	:	Mr.A.Muthu Karuppan Additional Government Pleader

ORDER

The petitioner has filed this writ petition for issuance of Writ of Mandamus, directing the respondents herein to remove the name of Veeranan Ambalam and insert the name of the petitioner's grand father namely Sinnu Ambalam in the revenue records pertaining to the property comprised in S.No.125/1D, situated at Pallapatti Village, Nilakottai Taluk, Dindigul District, on the basis of the petitioner's representation, dated 27.11.2019, within the time stipulated by this Court.

2.Heard the learned counsel appearing for the petitioner and Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for respondents. By consent of both parties, this writ petition is taken up for disposal at the admission stage itself.

3.The case of the petitioner is that the property comprised in S.No.125/1D measuring an extent of 2 acres 65 cents in Pallapatti



Village, Nilakottai Taluk, Dindigul District, belonged to one Sinnu Ambalam, who is the grandfather of the petitioner. It is the further case of the petitioner that the petitioner's grandfather by name Sinnu Ambalam during his life time orally partitioned the property and that an extent of 65 cents were allotted to one of the son by name Perumal Ambalam and another 60 cents were allotted to another son by name Ramu Ambalam. It is the definite case of the petitioner that the remaining 1 acre 30 cents was under the peaceful possession and enjoyment of Sinnu Ambalam, the grandfather of the petitioner.

4.Though the petitioner has been given patta in respect of an extent of 24.5 ares, the petitioner claims right over the remaining extent, which was in the holding of petitioner's grandfather. The petitioner relied upon an old document bearing the name of one Veeran Ambalam. It is the case of the petitioner that the said Veeran Ambalam is the father of Sinnu Ambalam, the grandfather of the petitioner.

5.The petitioner can approach the revenue official for mutation of revenue records, only when it is possible by events fall under Section 10 of Tamil Nadu Patta Pass Book Act. The petitioner now claims right as one of the legal heir of Sinnu Ambalam, based on the revenue record carrying the name of one Veeran Ambalam, who according to the petitioner, is the father of Sinnu Ambalam. After the death of Sinnu Ambalam, no one is expected to include the name of his father Veeran Ambalam in the revenue records as his legal heir. Therefore, *prima facie* the petitioner's case regarding the relationship cannot be accepted. The Revenue Authorities under Patta Pass Book Act cannot be compelled to decide title based on Self Serving Genealogy supported by no prior records. The petitioner produced an illegible copy of land record. In any event, the petitioner's case that his grandfather retained 1 Acre 30 Cents is not supported by contemporaneous Revenue Records.

6.Therefore, this writ petition is dismissed. No costs. However, the petitioner is given liberty to approach the civil court to establish his right as a legal heir of Sinnu Ambalam or Veeran Ambalam after impleading all necessary parties in the manner known to law. In case a civil suit is filed, the civil court may decide the title uninfluenced by any observation of this Court in this writ petition.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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Office of the District Collector, Dindigul District.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Dindigul.

3.The Tahsildar, Nilakottai Taluk Office,
Nilakottai, Dindigul District

+1 CC to SPL.GP (SR-105561[F] dated 18/12/2019)

+1 CC to Mr.B.JAMEEL ARASU, Advocate (SR-105969[F]dated
19/12/2019)

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W.P. (MD) .No.26762 of 2019
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