



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)No.19723 of 2019

and

W.M.P (MD)No.16205 of 2019

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Moorthy

... Petitioner

Vs.

1.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
Sattur, Virudhunagar District.

3.The Tahsildar,
Rajapalayam Taluk,
Virudhunagar District.

4.Dhanalakshmi

5.Thilakam

6.Rajalakshmi

7.K.L.Subramania Raja

8.K.Sivakumar

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, forbearing the respondents 1 to 3 from changing the entries of the pattadar's name in the revenue records for the lands comprised in Survey No.507/14 with 0.10.0 hectares in Kothankullam Revenue Village in Rajapalayam Taluk, Virudhunagar District.

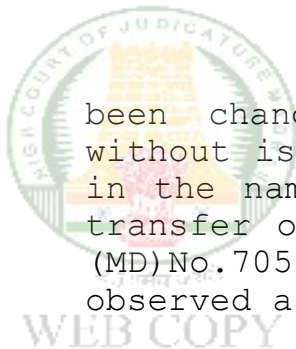
For Petitioner : Mr.F.X.Eugene

For RR 1 to 3 : Mr.V.Anand, Government Advocate

ORDER

The petitioner has filed the present Writ Petition to issue a Writ of Mandamus, forbearing the respondents 1 to 3 from changing the entries of the pattadar's name in the revenue records for the lands comprised in Survey No.507/14 with 0.10.0 hectares in Kothankullam Revenue Village in Rajapalayam Taluk, Virudhunagar District.

2.According to the petitioner, he purchased 25 cents of land in Survey No.507/14 in Kothankullam Village, Rajapalayam Taluk, Virudhunagar District, by a registered sale deed dated 21.09.2005 from one P.S.Ramanathan and his wife Jeya Chitra and patta has also



been changed in his name. Subsequently, the third respondent, without issuing any notice to the petitioner, transferred the patta in the names of the respondents 4 to 7. Challenging the aforesaid transfer of patta, the petitioner has filed a Writ Petition in W.P (MD)No.7053 of 2006 and this Court by order dated 06.02.2013 observed as follows:

"7. Accordingly, the Writ Petition is disposed of by observing that it is open to the petitioner and the respondents 3 to 6 to agitate the question of title before the competent Court. Until the decision is rendered by the civil Court, the entries in the revenue records shall be maintained as such and no further mutation should be effected and the same shall abide by the decision by the civil Court. As regards the contention raised by the petitioner stating that he is in possession of the property, it would be open to the petitioner to move the civil Court for appropriate relief."

3. According to the learned counsel for the petitioner, the respondents 3 to 6 have taken steps to transfer the patta with respect to the same property by violating the order of this Court. Hence, he issued a legal notice to the official respondents for violating the order of this Court. Further, according to the learned counsel for the petitioner, the third respondent has given computer patta entries in favour of the respondents 4 to 8. Hence, the petitioner has filed the present Writ Petition seeking direction restraining the respondents 1 to 3 from changing the entries of the pattadar's names in the revenue records in respect of the aforesaid property.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 to 3 and perused the materials available on record.

5. Considering the facts and circumstances of the case, if there is any violation of the order passed in W.P(MD)No.7053 of 2006, remedy is available to the petitioner to take action against the officials under the provisions of the relevant Act. Further, the aforesaid prayer of the petitioner cannot be granted and there is no material placed before this Court that the respondents have taken steps to change the patta pending the suit, as observed in the earlier writ petition in W.P(MD)No.7053 of 2006. In the absence of any materials for the steps said to have been taken by the respondents for change of patta, this Court is not inclined to accept the contention of the learned counsel for the petitioner and there is no merit in the Writ Petition.

6. Accordingly, the Writ Petition is dismissed. However, it is made clear that if there is any violation of the directions issued



by this Court in the earlier Writ Petition in W.P(MD)No.7053 of 2006, it is open to the petitioner to seek appropriate remedy in the manner known to law. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

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/ /2020

Sub Assistant Registrar(CS)

Note:- In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The District Revenue Officer,
Virudhunagar District, Virudhunagar.

2.The Revenue Divisional Officer,
Sattur, Virudhunagar District.

3.The Tahsildar,
Rajapalayam Taluk,
Virudhunagar District.

+1 CC to M/s.F.X. EUGENE, Advocate (SR-14061[F] dated 14/08/2020)

Order made in
W.P. (MD) No.19723 of 2019
Dated:13.08.2020

SMA/21/08/2020/3P/5C