



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2021

CORAM

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.11062 OF 2014

AND

M.P.NOS.2 OF 2014 & 1 OF 2015

1. S.Valli
2. S.Nagarajan
3. S.Prakash

... Petitioners

.Vs.

1. The District Revenue Officer,
Cuddalore District,
Cuddalore.
2. The Revenue Divisional Officer,
Viruthachalam,
Cuddalore District.
3. The Tahsildar,
Tittakudi Taluk,
Cuddalore District.
4. The Superintendent of Police,
Cuddalore District,
Cuddalore District.
5. The Block Development Officer,
Nallur Panchayat Union,
Cuddalore District.

6. K.Subramanian

... Respondents

PRAYER:-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the first respondent in Na.Ka.Vi.3/3551/2013 dated 15.10.2013 and to quash the same and consequently restore the patta No.123 in respect of the land in S.No.59/2, Thiruvattathurai Village, Tittakudi Taluk, Cuddalore District in favour of the petitioners.



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For Petitioners : Mr.G.Sankaran

For R1 to R5 : Mr.M.R.Gokul Krishnan
Government Advocate

For R6 : Mr.P.Mani

ORDER

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the first respondent in Na.Ka.Vi.3/3551/2013 dated 15.10.2013 and to quash the same and consequently restore the Patta No.123 in respect of the land in S.No.59/2, Thiruvattathurai Village, Tittakudi Taluk, Cuddalore District in favour of the petitioners.

2. Heard, Mr.G.Sankaran, the learned counsel appearing for the petitioners, Mr.M.R.Gokul Krishnan, the learned Government Advocate appearing for respondents 1 to 5 and Mr.P.Mani, the learned counsel appearing for the sixth respondent.

3. The case of the petitioners is that the land comprised in Survey No.59/2, situated at Thiruvattathurai Village, Tittakudi Taluk, Cuddalore District. They were also issued patta in Patta No.123. The said land was purchased by them by a registered Sale Deed dated 20.03.1995 registered vide document No.234. The petitioners are born through the second wife of one K.Sundaramoorthy and the sixth respondent is one of the legal heirs born through one K.Sundaramoorthy.

4. During the year 1990, the said Sundaramoorthy executed a partition deed in favour of the petitioner as well as the sixth respondent herein. Accordingly, the subject land was allotted to the petitioners and as per the Sale Deed dated 20.03.1995, they were issued patta. After demise of their father, the sixth respondent filed an application before the Tahsildar, Thittakudi, seeking issuance of legal heirs certificate. On the enquiry, he was issued legal heirs certificate including the petitioners and other daughters. Thereafter, he applied for transfer of patta in his name and the same was rejected by the third respondent. Aggrieved by the same, the sixth respondent appeal before the second respondent for transfer of patta and the same was also dismissed. Again, the sixth respondent filed a revision before the first respondent and the same was also dismissed.

5. While being so, the sixth respondent filed a suit in O.S.No.2013 of 2011 on the file of the District Munsif Court,



Coimbatore for declaration declaring that the legal heirs certificate only to the sixth respondent as he was born out of the first wife alone. The said suit was decreed by a Judgment and Decree dated 29.03.2012. On the strength of the Judgment and Decree, the sixth respondent again made an application before the first respondent and the same was considered and passed an impugned order in the Writ Petition. As per the Judgment and Decree, the first respondent ordered to issue joint patta in the name of the sixth respondent and his brothers and sisters.

6. It is also seen that thereafter the petitioners filed another suit challenging the Judgment and Decree passed in O.S.No.2013 of 2011 as null and void in O.S.No.142 of 2013 on the file of the District Munsif Court, Tittakudi and it is pending for adjudication. Therefore, if the petitioners succeeded in their suit in O.S.No.142 of 2013, they can very well approach the third respondent for issuance of patta in accordance with the Judgment and Decree. Therefore, this Court finds no infirmity or illegality in the order passed by the first respondent.

7. With the above observation, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Lpp/mn

To

1. The District Revenue Officer,
Cuddalore District,
Cuddalore.
2. The Revenue Divisional Officer,
Viruthachalam,
Cuddalore District.
3. The Tahsildar,
Tittakudi Taluk,
Cuddalore District.

