



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 25.03.2021

CORAM

THE HONOURABLE MR.JUSTICE **V. PARTHIBAN**

W.P. (MD)No.6674 of 2021
and
W.M.P. (MD)No.5152 of 2021

P.Ramayee : Petitioner

Vs.

- 1.The Tahsildar,
Usilampatti Taluk,
Madurai District,
- 2.The Village Administrative Officer,
Lingappanayakkanur Village,
Thimmanatham Panchayat,
Usilampatti Taluk, Madurai District.

3.Kasammal
4.Krishnan : Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorari, to call for the records pertaining to the impugned joint patta bearing No.3276 issued by the first respondent in favour of the fourth respondent in respect of land property admeasuring 61 cents comprised in S.No.89/9, situated at Lingappanayakkanur Village, Thimmanatham Panchayat, Usilampatti Taluk, and quash the same.

For Petitioner : Mr.S.Ramu
For R1 and R2 : Mr.M.Jayakumar
Additional Government Pleader

ORDER

The case of the petitioner is that a land measuring about 61 cents comprised in S.No.89/9 situated at Lingappanayakkanur Village, Usilampatti Taluk, originally belonged to her father Irulandi Thevar. After the death of her father, the properties were partitioned among the petitioner's mother, Ochammal, her elder sister Veerammal, her younger sister Kasammal and the petitioner herself by way of a registered partition deed, dated 12.08.1993. After the partition, all the beneficiaries of the partition have been enjoying the properties allotted to each of them without any hindrance.



2. According to the petitioner that her elder sister Veerammal, predeceased her mother and her properties were inherited by the legal heirs of the deceased Veerammal. As far as the mother is concerned, she was ill during COVID-19 period and executed a Will on 16.04.2020 in respect of the property allotted to her in the partition in favour of the petitioner herein and the petitioner's elder sisters's son one K.Palani. The Will was duly executed by the mother, while she was in a proper and sound state of mind. However, the Will, unfortunately, was not registered.

3. While the matter stood thus, just a day before her mother's death, the petitioner's younger sister Kasammal along with her husband and two others came to her mother's house and threatened the mother with dire consequences, if the property was not settled in her name. Eventually, all of them forced the petitioner's mother to put her thumb impression in the blank papers and also forcibly taken some of her personal jewells along with some cash. According to the petitioner, in regard to the incident, she had approached the local Police Station and a complaint has also been lodged and the same is still pending.

4. The grievance of the petitioner herein is that her younger sister, after forcibly obtaining thumb impression of her mother during COVID-19, had approached the official respondents for issuance of joint patta for the property, which was not bequeathed to her at all originally. As the property had been settled in petitioner's favour through a Will written by the deceased mother, she appears to have objected to the entertaining of any application by the said Kasammal.

5. Despite objections of the petitioner that the third respondent has no right to claim any issuance of joint patta, the first respondent appears to have issued patta in favour of the third and fourth respondents and challenging the action of the first respondent, the petitioner is before this Court.

6. According to the learned Counsel for the petitioner that the private respondents have manipulated the records and obtained joint patta for which they are not entitled to. As far as the appeal remedy is concerned, the learned Counsel would submit that change of patta has been effected without giving any proper notice to the petitioner and without giving any opportunity to the petitioner, despite her strong objection and hence, the order passed by the first respondent is blatantly illegal and liable to be set aside.

7. This Court is not inclined to entertain this Writ Petition for the simple reason that whatever be the circumstances, under which the order was passed by the first respondent, the proper course of remedy for the petitioner is to file an appeal before the



Revenue Divisional Officer concerned under the provisions of the Tamil Nadu Patta Pass Book Act, 1983. The Revenue Divisional Officer alone is competent authority to appreciate the rival claims of the parties on the basis of the records maintained by the revenue department. The Appellate remedy and also the revisional remedy, that are made available under the provisions of Tamil Nadu Patta Pass Book Act, 1983, need to be exhausted first before invoking the extraordinary jurisdiction of this Court under Article 226 of Constitution of India.

8. When effective alternative remedies are provided, whatever be the nature of objection, the same can be addressed and rectified by the appellate and revisional authorities constituted under the provisions of Tamil Nadu Patta Pass Book Act, 1983. Therefore, the present attempt by the petitioner to invoke the writ jurisdiction of this Court at this stage, in the opinion of this Court, is not maintainable and liable to be dismissed.

9. For the aforesaid reasons, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1. The Tahsildar,
Usilampatti Taluk,
Madurai District,

2. The Village Administrative Officer,
Lingappanayakanur Village,
Thimmanatham Panchayat,
Usilampatti Taluk, Madurai District.

+1 CC to M/s.SPL GP (SR-13883[F] dated 26/03/2021)

W.P. (MD)No.6674 of 2021
25.03.2021

RK (30.04.2021) 3P 4C