



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2021

CORAM

THE HON'BLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P. (MD)No.14682 of 2021

S.Ganeshan

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Sub Collector,
Seranmahadevi,
Tirunelveli District.

3.The Tahsildar,
Amabasamudram Taluk,
Tirunelveli District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to carry out the mutation of revenue records as per the order passed by the Sub-Collector of Cheranmahadevi in Ni.Mu.No.5175/2020(Aa3) dated 09.06.2021 and by considering petitioner's representation dated 12.07.2021 within the time limit that may be fixed by this Court.

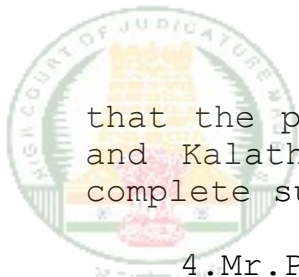
For Petitioner	: Mr.M.Karthikeya Venkitachalapathy
For Respondents	: Mr.P.Subbaraj, Counsel for the State.

O R D E R

The petitioner seeks a mutation of the revenue records on the basis of an order passed by the Sub-Collector of Cheranmahadevi on 09.06.2021.

2.The petitioner states that his father, the late Mr.Subramania Nadar, purchased a property in Survey No.236/2 in Vikramasingapuram (Part I) Village, Ambasamudram Taluk, Tirunelveli District. Subsequently, it is stated that his father sold a portion of the property in favour of one Mr.Kalathiappan, under a registered sale deed.

3.The petitioner alleges that one Mr.Krishnakanthan and Mr.Sivaraj Pandian, claiming to be successors of Rajeswari Nachiar, made a rival claim to the property. The petitioner realized that a patta had been unlawfully issued in the name of Rajeswari Nachiar. Accordingly, an appeal was presented before the Sub-Collector of Cheranmahadevi. By order dated 09.06.2021, it is stated that such appeal was allowed. As a consequence thereof, the patta in the name of Rajeswari Nachiar was cancelled and the Sub-Collector directed



that the patta should be restored in the names of Subramania Nadar and Kalathiappan. In view of the failure of the respondents to complete such mutation of patta, the present writ petition is filed.

4.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents. He points out that the rival claimants could have filed a revision petition before the District Revenue Officer against the order of the Sub-Collector. From the facts and documents on record, no conclusion can be drawn in such respect.

5.Accordingly, the third respondent herein is directed to consider the petitioner's representation dated 12.07.2021 and initiate appropriate action thereon after taking into account the order dated 09.06.2021 of the Sub-Collector of Cheranmahadevi. Such proceedings shall be concluded by a reasoned order after providing a reasonable opportunity to the petitioner, Mr.Krishnakanthan and Mr.Sivaraj Pandian. Such reasoned order shall be passed within a period of three months from the date of receipt of a copy of this order.

6.W.P(MD).No.14682 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To:

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Sub Collector,
Seranmahadevi,
Tirunelveli District.
3. The Tahsildar,
Amabasamudram Taluk,
Tirunelveli District.

+1 CC to M/s.The Special Government Pleader(SR-26770[F] dated 19/08/2021)

W.P. (MD)No.14682 of 2021

18.08.2021

RS (27.08.2021) 2P 5C

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