



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 03.09.2021

CORAM:

THE HONOURABLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY
W.P(MD)NO.15753 OF 2021

and

W.M.P(MD)No.12702 of 2021

S.Pandiarajan

: Petitioner

.vs.

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

2.The Revenue Divisional Officer
/The Sub-Collector,
O/o. Revenue Divisional Office,
Sivakasi,
Virudhunagar District.

3.The Tahsildar,
Sivakasi Taluk,
Sivakasi.

4.Jayaprakash

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARIFIED MANDAMUS to call for the records on the file of 2nd respondent vide Mu.Mu.A1/1365/2021, dated 15.05.2021 and to quash the same as illegal as devoid of merits and further direct the 2nd respondent to conduct a detailed enquiry under patta pass book Act as well as with regard to the second class legal heirs of Mayandi thevar family at Enjar Village and issue patta based on the revenue records.

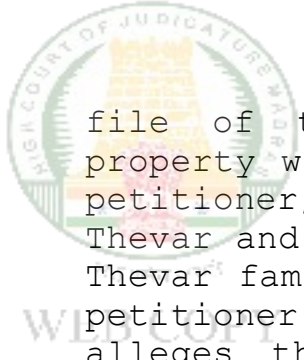
For Petitioner : M/s.Raja Karthikeyan

For Respondents-1 to 3 : Mr.K.S.Selva Ganesan
Counsel for State

O R D E R

The petitioner challenges an order dated 15.05.2021 of the Revenue Divisional Officer, Sivakasi, Virudhunagar District.

2.The petitioner claims title to a property bearing survey No.1184 ad-measuring about 3 acres 64 cents. According to the petitioner, such property was purchased by the petitioner and his wife under sale deed registered as Document No.8797 of 2019 on the



file of the Sub-Registrar, Sivakasi. It is stated that the property was purchased from one R.Muthu Murugan. According to the petitioner, the original owner of the property was one Mayandi Thevar and the petitioner's vendor is a descendant of the Mayandi Thevar family. In such circumstances, a dispute arose between the petitioner and the fourth respondent herein. The petitioner alleges that the fourth respondent has claimed title under a forged document. The said dispute between the petitioner and the fourth respondent was raised before the second respondent under Section 12 of the Patta Pass-Book Act. Eventually, the petitioner's petition dated 23.02.2021 was rejected by the impugned order dated 15.05.2021. The said order is challenged by way of this Writ Petition.

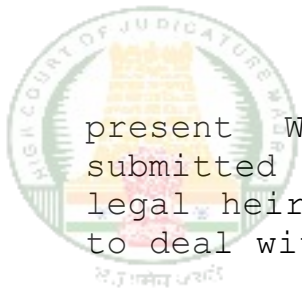
3.Mr.K.S.Selva Ganesan, learned counsel for the State accepts notice on behalf of the respondents 1 to 3. He submits that the petitioner's claim was rejected on account of the fact that the petitioner was unable to prove that he had purchased the property from one of the legal heirs of Mayandi Thevar.

4.Learned counsel for the petitioner, on the other hand, submits that the revenue authorities are in possession of all relevant documents and information with regard to the legal heirs of Mayandi Thevar. Therefore, it is submitted that the rejection of the petitioner's claim on account of the non-submission of the legal heirship certificate is unjustified. As regards Document No.2396 of 1969 dated 18.09.1969, it is submitted that the same is a forged document.

5.On perusal of the impugned order, it is evident that a revision petition would lie against such order before the District Revenue Officer. Therefore, the question that arises for consideration is whether this court should exercise jurisdiction notwithstanding the fact that a revision petition is maintainable against the impugned order.

6.The main ground on which the petitioner assails the impugned order are the insistence on the production of the legal heirship certificate and the link document between Mayandi Thevar and Easwaramoorthy. In effect, the challenge is on the merits of the decision rather than the decision making process. In view of the fact that the petitioner has an alternative remedy, there is no reason to interfere in judicial review with a challenge on the merits of the decision.

7.However, the impugned order is dated 15.05.2021 and the petitioner was granted 30 days time to file the revision before the District Revenue Officer. The petitioner has approached this Court by challenging the order herein. Accordingly, the petitioner should be afforded some time to file such revision petition after excluding the time taken in prosecuting the



present Writ Petition. The Petitioner states that he has submitted an application before the Thasildhar for issuance of a legal heirship certificate. The Thasildhar concerned is directed to deal with the same expeditiously.

8. For the reasons stated above, W.P. (MD) No.15753 of 2021 is disposed of by permitting the petitioner to file a revision petition before the jurisdictional District Revenue Officer within 15 days from the date of receipt of a copy of this order. If such petition is received within the said time limit, the District Revenue Officer concerned is directed to deal with such petition on merits without going into the question of limitation. In view of the fact that the merits of the matter have not been gone into, W.P(MD)No.15753 of 2021 is disposed of without notice to the private respondent. There will be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

vsn/tmg

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,
O/o. Revenue Divisional Office,
Sivakasi,
Virudhunagar District.
3. The Tahsildar,
Sivakasi,
Sivakasi.



+1 CC to M/s.RAJA KARTHIKEYAN, Advocate (SR-28159[F] dated 03/09/2021)

+1 CC to M/s.SPL GP (SR-28343[F] dated 07/09/2021)

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W.P(MD)NO.15753 OF 2021

and

W.M.P(MD)No.12702 of 2021

03.09.2021

SRR(CO)

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