



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.18541 of 2021

and

W.M.P. (MD) Nos.15316, 15317 and 15319 of 2021

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... Petitioner

Vs.

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Ilupur Post, Ilupur Taluk,
Pudukkottai District.

2.The Tahsildar,
Thasildar Office,
Viralimalai,
Viralimalai Taluk,
Pudukkottai District.

3.The President,
Village Panchayat,
Kovilkattupatti Village,
Poruvai Post,
Viralimalai Taluk,
Pudukkottai District.

...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 pertaining to the impugned order in Ni.Mu.A4/2958/21 dated 20.07.2021 passed by the first respondent herein and quash the same as illgal and consequently direct the first respondent to restore the subdivision as such S.F.Nos.169/17A and 169/17B in the name of the petitioner as stood earlier in patta No.343.

For Petitioner : M/s.A.Banumathy

For Respondents : Mr.P.Subbaraj

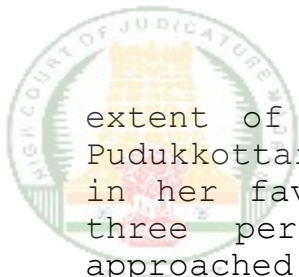
Counsel for State (for R1 and R2)

Mr.M.Lingadurai (for R3)

ORDER

The petitioner assails an order dated 20.07.2021 of the first respondent and seeks a consequential direction to restore subdivision S.F.Nos.169/17A and 169/17B.

2.The petitioner claims title to the properties bearing S.Nos.169/12B of an extent of 0.65.0 hectares and 169/17A of an



extent of 0.65.0 hectares at Kalkudi Village, Viralimalai Taluk, Pudukkottai District. The petitioner asserts that patta was issued in her favour under Patta No.1134. According to the petitioner, three persons, namely, Palanichamy, Kumaresan and Chinnakanju approached her in the year 2016 to sell the above mentioned properties to them. On account of the refusal of the petitioner to do so, the said persons trespassed into her property and also complained to the Village Administrative Officer that the said property is actually a cemetery. According to the petitioner, the impugned order of the first respondent was issued in the above mentioned facts and circumstances. The petitioner asserts that the impugned order is not sustainable because the said order proceeds on the erroneous basis that no cultivation was done on the said land. The petitioner asserts that the extracts from the village adangal indicate that the said land was cultivated upon and that kist was paid in respect thereof.

3.Mr.P.Subbaraj, learned counsel for the State, accepts notice for respondents 1 and 2. He points out that the impugned order is not liable to be interfered with inasmuch as all the relevant documents were examined by the Revenue Divisional Officer before arriving at the conclusion that the said lands should be restored to the original classification by cancelling the subdivisions made subsequently. In addition, he points out that the petitioner has a remedy by way of revision before the jurisdictional District Revenue Officer.

4.Upon perusal of the impugned order, it is evident that the petitioner was provided a reasonable opportunity before the said order was issued. In such factual context, the availability of a statutory remedy by way of revision becomes significant. The dispute in the present case involves questions of fact which cannot be conveniently or appropriately addressed by way of affidavit evidence in proceedings under Article 226 of the Constitution of India.

5.Therefore, W.P.(MD)No.18541 of 2021 is disposed of without any order as to costs by leaving it open to the petitioner to file a revision petition before the jurisdictional District Revenue Officer in accordance with law. Consequently, W.M.P.(MD)Nos.15316, 15317 and 15319 of 2021 are closed.

Sd/-

Assistant Registrar (Per.Admn)

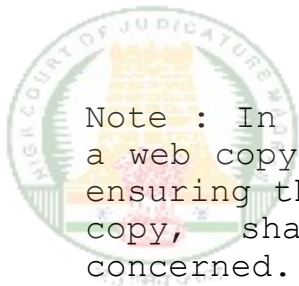
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/ /2021

Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



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.

WEB COPY

To

1.The Revenue Divisional Officer,
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+1 CC to M/s.SPL.GP (SR-32230[F] dated 22/10/2021)

W.P(MD) .No.18541 of 2021
21.10.2021

PS (CO)

GC/JC(08.11.2021) 3P 5C