



W.P.(MD)No.47 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.47 of 2022

C.Ramamoorthy

... Petitioner

Vs.

1.The District Revenue Officer,
Ramanathapuram District,
Ramanathapuram.

2.The Revenue Divisional Officer,
Ramanathapuram Town,
Ramanathapuram District.

3.The Tahsildar,
Taluk Office, Keelakarai,
Ramanathapuram District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents herein to consider and pass orders on the petitioner's representation dated 08.10.2021 within a stipulated time to be fixed by this Court.

For Petitioner : Mr.M.Thirunavukkarasu

For Respondents : Mr M.Sarangan

Additional Government Pleader



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ORDER

Heard the learned counsel on either side.

2. The case of the petitioner is that the petition mentioned land was purchased by his paternal grandfather and his brother Irulandi Konar vide registered sale deed dated 05.07.1916. The family has been in possession and enjoyment of the property ever since. However, in the 'A' register, an entry was erroneously made as if the property is “Sarkar Annatheenam”. In view of the aforesaid entry, patta was not issued. The petitioner's father has passed away. According to the petitioner, patta must be issued in his favour and that of his cousins. Though the representation dated 08.10.2021 was given in this regard, it has not been so far considered.

3. The learned Additional Government Pleader appearing for the respondents would state that patta cannot be issued as the entry indicates that the land is a Sarkar Annatheenam /assessed waste dry. Though the stand of the Additional Government Pleader is well founded, the respondents do not appear to have taken of an important factual aspect.



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The petitioner's father and others filed O.S.No.12 of 1992 before the District Munsif Court, Ramanathapuram seeking the relief of declaration and permanent injunction in respect of the petition mentioned property. The State of Tamil Nadu represented by the District Collector, Ramanathapuram was shown as the defendant. The matter was contested. On the side of the plaintiffs, as many as 14 documents were marked (Ex.A1 to Ex.A11). The petitioner's father examined himself as P.W.1. Two other plaintiffs also examined themselves as P.W.2 & P.W.3. On the side of the defendants, an official witness was examined and Ex.B1 & Ex.B2 were marked. After considering the entire evidence on record, the learned trial magistrate by judgment and decree dated 19.12.1995 decreed the suit as prayed for. It is well settled that an entry in the revenue record is not conclusive and that it is not binding on the civil court. When the jurisdictional civil court had already granted the relief of declaration as prayed for, the revenue authorities are bound to make necessary corrections in the revenue record. In other words, the revenue records must be in tune with the civil court decree.



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4. Therefore, the third respondent is directed to issue joint patta in favour of the writ petitioner and his cousins based on the representation dated 08.10.2021 forthwith and without any delay.

5. The Writ Petition is allowed. No costs.

21.07.2022

Index : Yes / No
Internet : Yes/ No
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To

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