



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.9849 of 2009

WEB COPY

1.R.Ruebella (Died)
2.R.Sundarraaj ... Petitioners
(P2 is substituted vide Court order dated 19.01.2022)

Vs.

1. The Deputy Tashildar,
Neer Plani Revenue Division,
Kulathur Taluk,
Pudukkottai District.
2. The District Revenue Officer,
Pudukkottai,
Pudukkottai District.
3. Vincent Leema Rosalin. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the second respondent herein, in his proceedings in Na.Ka.T3/41846/07, dated 23.11.2007 and quash the same as illegal and arbitrary and confirm the order of the Revenue Divisional Officer, Pudukkottai in Na.Ka.A6/6475/05, dated 02.08.2006.

For Petitioner : Mr.K.Baalasundharam
For R1 & R2 : Mr.P.Gandhiraj
Special Government Pleader
For R3 : Mr.N.Anandkumar

O R D E R

This writ petition is filed as against the order passed by the District Revenue Officer in his proceedings in Na.Ka.T3/41846/07, dated 23.11.2007 setting aside the order of Revenue Divisional Officer, Pudukkottai in Na.Ka.A6/6475/05, dated 02.08.2006.

2.The petitioner, a spinster, who was working as a Teacher had purchased a property to an extent of 4615 sq.ft, in Survey No.5/2B dated 02.07.1992, by way of registered deed from



one Balakrishnan. She also obtained electricity service connection in her name. The grievance of the petitioner is that the third respondent obtained a joint patta in her name along with the third respondent, wherein, she has been described as the wife of Rayar Pillai, whereas, she is the daughter of Rayar Pillai. Hence, the petitioner preferred an application before the Revenue Divisional Officer, Pudukottai to delete the name of the third respondent in Patta No.2002 of Mathur Village. After complying all the legal formalities, the Revenue Divisional Officer, Pudukkottai set aside the order of the first respondent, by his proceedings in Na.Ka.A6/6475/05, dated 02.08.2006. As against the order of the Revenue Divisional Officer, Pudukkottai, the third respondent preferred revision before the second respondent. The second respondent without following the procedures contemplated under the Revenue Standing orders allowed the revision and set aside the order of the Revenue Divisional Officer, Pudukkottai, by his proceedings in Na.Ka.T3/41846/07, dated 23.11.2007. Thereafter, the petitioner preferred a revision before the Special Commissioner cum Commissioner of Land Administration, Chempak, Chennai. But the authority returned the revision stating that the Government has withdrawn his powers of the second revision. Hence, the petitioner filed this present writ petition. Pending this writ petition, the petitioner also died. The case of the petitioner was defended by her brother, who is said to be the legal heir of the petitioner and he was also impleaded as a party in this writ petition, as per the order of this Court, dated 19.01.2022.

3.The learned counsel appearing for the petitioner submits that the first respondent has passed the Patta transfer order, even without issuing notice to the petitioner and also violating the Revenue Standing Orders. Hence, the impugned order of the first respondent has to be set aside.

4.The learned counsel appearing for the third respondent has taken a specific plea that there was a consent letter by the petitioner for changing the patta as joint patta in the name of the petitioner along with the third respondent and seeks short accommodation to produce the same before this Court.

5.This Court considered the rival submissions made on either side and perused the materials placed on record.

6.Admittedly, the petitioner, who was a spinster and was working as a Teacher had purchased the land in Survey No.5/2B on 02.07.1992, as per the registered sale deed. Thereafter, the third respondent obtained a joint patta in her name along with the third respondent, wherein, the petitioner was shown as married. Pending this writ petition, the petitioner died and her brother, who is said to be her legal heir was impleaded as a party in this writ



petition. The third respondent has taken a specific plea that consent letter has been given by the petitioner for obtaining a joint patta and the same is disputed by the petitioner. After 13 long years, now, the third respondent seeks short accommodation to produce the consent letter before this Court. It is pertinent to note that this writ petition is pending from 2009 onwards. Moreover, the petitioner also died and this writ petition is defended by her brother. Even it is assumed that the petitioner has given a consent letter for transferring the patta as a joint patta, it cannot confer any right to the third respondent to claim right over the property and obtain a joint patta. Therefore, there is an error apparently on the order of the District Revenue Officer in his proceedings in Na.Ka.T3/41846/07, dated 23.11.2007, which has been issued even without affording an opportunity to the petitioner.

7. In view of the above, this writ petition is allowed. The impugned order passed by the District Revenue Officer in his proceedings in Na.Ka.T3/41846/07, dated 23.11.2007 setting aside the order of Revenue Divisional Officer, Pudukkottai in Na.Ka.A6/6475/05, dated 02.08.2006 is hereby set aside. The third respondent is at liberty to work out his remedy before the appropriate Civil Court, in accordance with law. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

vrn

To

1. The Deputy Tashildar,
Neer Plani Revenue Division,
Kulathur Taluk,
Pudukkottai District.
2. The District Revenue Officer,
Pudukkottai, Pudukkottai District.

+1 CC to M/s.SPL GP (SR-16359[F] dated 04/04/2022)

ORDER MADE IN
W.P (MD) No.9849 of 2009
01.04.2022