



W.P(MD)No.10666 of 2012

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.07.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.10666 of 2012

and

M.P(MD)Nos.2 and 3 of 2012 & 1 of 2013

and

W.M.P(MD)No.18282 of 2018

C.Kattai Durai

... Petitioner

Vs.

1.The District Revenue Officer,
Rameshwaram Taluk,
Ramnad District.

2.The Revenue Divisional Officer,
Rameshwaram Taluk,
Ramnad District.

3.The Tahsildar,
Rameshwaram Taluk,
Ramnad District.

4.Kasthuri Ammal(Died)

... Respondents

5.A.Gurunathan (Died)

6.Prabahar



W.P(MD)No.10666 of 2012

7.Raja Rajeswari

... Proposed Respondents

(R4 to R7 are impleaded as legal heirs of R4
vide Court Order, dated 17.06.2022 in
M.P(MD)No.1 of 2015)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the first respondent in Na.Ka.b5/45253/2011 dated 20.04.2012 , quash the same.

For Petitioner : Mr.T.Arul
For Respondents : Mr.D.Sasi Kumar
Additional Government Pleader
for R1 to R3
Mr.T.Veera Kumar
for Mr.AKannan
for R5 to R7

ORDER

The present writ petition has been filed challenging an order passed by the first respondent herein, under which the name of one Regina Beevi was directed to be deleted from the joint patta in Patta No.1255 in Survey No.546/4. The said order was passed on an application filed by one Kasthuri Ammal.



W.P(MD)No.10666 of 2012

2. The writ petitioner is the successor in title of the said Regina Beevi. The deletion of the name of his ancestor in title would affect his title. Hence, the writ petition.

3. The learned counsel for the respondents submitted that originally, a joint patta was standing in the name of one Chellaiah Pillai and Kanagasababathi Pillai for an extent of 20 cents. Though Chellaiah Pillai was entitled to only an extent of 10 cents, exceeding his right, he has sold away 15 cents. Only based upon the said excessive sale, the present writ petitioner is making a claim over the property. Hence, according to the learned counsel for the respondents, the impugned order may be sustained.

4. I have carefully considered the submissions made on either side.

5. The petitioner as well as the respondents herein are claiming rival title to an extent of 20 cents in joint Patta No.1255 for Survey No.546/4. Any inclusion or deletion of the names in the joint patta would not have any influence upon the title of the petitioner or the private respondents. The counsel appearing on either side brought to the notice



W.P(MD)No.10666 of 2012

of this Court that a suit in O.S.No.118 of 2021 has been filed by the private respondents before the Sub-Court, Ramanathapuram as against the writ petitioner for the relief of declaration of title and recovery of possession. However, the said suit seems to have been dismissed for default on 18.03.2022. The said Regina Beevi is admittedly one of the purchasers (though alleged to have purchased in excess of the share of Chellaiah Pillai). Hence, pending the civil proceedings, the said Regina Beevi's name shall be restored to the joint patta. The Civil Court shall dispose of the suit on merits without being influenced by the order passed by this Court in the writ petition or by the revenue authorities.

6. With the above said observations, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

05.07.2022

gbg
Index : Yes / No
Internet : Yes / No



W.P(MD)No.10666 of 2012

To

WEB COPY

- 1.The District Revenue Officer,
Rameshwaram Taluk,
Ramnad District.
- 2.The Revenue Divisional Officer,
Rameshwaram Taluk,
Ramnad District.
- 3.The Tahsildar,
Rameshwaram Taluk,
Ramnad District.

R.VIJAYAKUMAR ,J.

gbg



WEB COPY



W.P(MD)No.10666 of 2012

Order made in
W.P(MD)No.10666 of 2012

Dated:
05.07.2022