



W.P.(MD).No.14393 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.14393 of 2012 and
M.P.(MD)No.2 of 2012

1.M.Ramesh
2.M.Balan

... Petitioners

Vs.

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

2.The Revenue Divisional Officer,
Sivakasi Taluk,
Virudhunagar District.

3.T.Ananda Rajan
4.N.Suresh Kumar

... Respondents

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 culminated with Na.Ka.B2/15755/2011, dated 11.10.2012, passed by the 1st respondent and to quash the same.

For Petitioners	: Mr.D.Dhana Chandra Prakash
For R1 and R2	: Mr.S.Shanmugavel Additional Government Pleader
For R3	: Mr.M.P.Senthil



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ORDER

The present writ petition has been filed challenging the order passed by the first respondent herein under which patta granted in favour of writ petitioners was cancelled and it was directed to be restored in the name of one Jegatheesan.

2. According to the learner Counsel for the petitioners, the property in dispute was allotted to the share of Jegatheesan by way of partition deed. Thereafter, the said Jegatheesan had passed away on 14.11.2001, leaving behind his wife Jhansi as sole legal heir. The said Jhansi has executed a Will, dated 30.12.2002, in favour of the writ petitioners with regard to a portion of the property and with regard to the balance portion of the property, a Will was executed in favour of respondents 3 and 4. The said Jhansi had passed away on 13.03.2006.

3. According to the learned Counsel for the petitioners, after the death of the said Jhansi, the petitioners had approached the second



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respondent herein, who had granted patta in favour of the writ petitioners on 10.06.2006. However, the respondents 3 and 4 filed a revision before the first respondent hearin, who has passed an order on 11.10.2012, cancelling the said patta and restoring the patta in the name of Jegatheesan. The said order is under challenge,

4.According to the learner Counsel for the petitioners, the Will has been questioned by the respondents and hence the patta granted by the second respondent hearin ought to have been confirmed by the first respondent.

5.Per contra, the learned Counsel for the private respondents has contended that the petitioners herein have already filed O.S.No.8 of 2012, before the Sub Court, Sivakasi and the same was transferred and renumbered as O.S.No.33 of 2021 before the Sub Court, Sathur. The said suit has been filed with a prayer for partition and mandatory injunction. The said suit is pending from the year 2012 onwards. Since there is a serious dispute relating to title of the property and the Will said



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to have been executed by the Jhansi, the first respondent herein, has rightly cancelled the patta granted in favour of petitioners.

6. I have carefully considered the submissions made on the either sides. There is no dispute that the property in dispute originally belonged to one Jegatheesan, who died on 14.11.2001, leaving behind his wife Jhansi. Whether Jhansi has executed a Will on 30.12.2002, whether the said Will is valid in the eye of law or not, is the subject matter of the O.S.No.8 of 2012. Hence, the revenue authorities have rightly cancelled the patta already granted in favour of the writ petitioners and the first respondent has restored the patta in the name of the Jegatheesan on the ground that originally Jegatheesan was the owner of the property. The present position shall continue till the disposal of the civil suit. After disposal of the suit, the parties are at liberty to approach the revenue authorities for mutation of the revenue records according to the Civil Court decree.

7. With the above said observation, the writ petition is disposed of.



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No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes / No

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To

- 1.The District Revenue Officer,
Virudhunagar District,
At Virudhunagar.
- 2.The Revenue Divisional Officer,
Sivakasi Taluk,
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R.VIJAYAKUMAR ,J.

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.

Order made in
W.P.(MD).No.14393 of 2012

25.07.2022