



W.P(MD)No.11481 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.09.2022

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD).No.11481 of 2013

and

M.P(MD).Nos.1 to 3 of 2013

Ariyammal,

: Petitioner

Vs

1. The State of Tamil Nadu Rep,
By Through its Secretary to Government,
Revenue Department,
St. Fort George,
Chennai

2. The District Collector,
Karur District ,
Karur

3. The Revenue Divisional Officer,
Office of the Revenue,
Kuzhithalai,
Karur District.

4. The Tahsildar,,
Krishnarayapuram Taluk,
Krishnarayapuram,
Karur District.



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5. The Zonal Deputy Tahsildar,
Krishnarayapuram Taluk Office,
Krishnarayapuram,
Karur District.

6. R.Elangovan,
Village Administrative Officer,
Pothurowthanpatti Village,
Krishnarayapuram Taluk,
Karur District.

7. M.Ramarathinam,

: Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the 5th Respondent in R.T.R. NO. 277/2011 dated 06.05.2011 and quash the same and consequentially directing 4th & 5th Respondents to restore the name of the petitioner in the entire revenue Records including patta passbook in respect of the property measuring an extent of 4 acres 41 cents in Survey No. 303/4B at Pothurowthampatti village, krishnarayapuram tk, Karur District and further directing the 1st Respondent to initiate departmental proceedings upon the 6th Respondent for his collusive action with the 7th respondent.



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For Petitioner : Mr.M.P.Senthil

For R1 to R5 : Mr.A.Baskaran

Additional Government Pleader

For R6 : No Appearance

For R7 : Mr.N.Shanmugaselvan

ORDER

The present writ petition has been filed challenging the order passed by the fifth respondent herein, under which, the seventh respondent has been granted patta in S.No.303/4B for an extent of 1.83.5 hectares, which is equivalent to 4.52 acres.

2.According to the learned Counsel appearing for the petitioner, an order of assignment was granted to the petitioner for an extent of 1.41 acres in S.No.303/4A in the year 12.11.1990, under Disposal of Surplus Land Rules. The petitioner's husband's brother, namely one Rangasamy was granted another assignment for an extent of 3 acres in S.No.303/4A on the same day. The said Rangasamy has relinquished his share to the petitioner and she became the owner of the land to an extent of 4.41 acres and revenue patta was



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also issued in favour of the petitioner. The seventh respondent has approached the fifth respondent on the basis of an alleged Will said to have been executed by his grand-father and obtained patta for S.No.303/4B for an extent of 1.83.5 hectares. He further submitted that the entire extent in S.No. 303/4A belongs to the petitioner and already patta was standing in the name of the petitioner, without issuing any notice to the petitioner, the impugned order has been passed in favour of the seventh respondent. Hence this petition has been filed.

3.*Per contra*, the learned Counsel appearing for the seventh respondent has contended that the order of assignment was granted in favour of the petitioner and the petitioner's husband's brother only for S.No.303/4A and not for S.No.303/4B. However, the revenue patta has been issued for 4.52 acres in favour of the petitioner for S.No.303/4B. Hence, he contended that after obtaining the order of assignment for S.No.303/4A, the petitioner cannot get a revenue patta for S.No.303/4B.

4.The learned Additional Government Pleader had contended that there is no record to indicate that the petitioner's husband's brother/Rangasamy had



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executed any document in favour of Ariyammal, so that Ariyammal can claim three acres allotted to Rangasamy and also he contended that the petitioner cannot challenge the order impugned in the petition, which is for S.No. 303/4B, for which, the petitioner is not concerned.

5.I carefully considered the submissions made on either side. There is no dispute that the petitioner was granted an order of assignment for an extent of 4.41 acres in S.No.303/4A. However, the revenue patta has been issued in the name of the petitioner for S.No.303/4B for an extent of 4.52 acres. The seventh respondent herein claims three acres in S.No.303/4B and 1.83.5 hectares in S.No.303/4B. The order impugned in the petition has been passed by the fifth respondent without issuing any notice to the petitioner or to the said Rangasamy in whose name there is an order of assignment for an extent of three acres.

6.In view of the above said facts, the impugned order is set aside and the matter is remitted back to the file of the fifth respondent. The fifth respondent is directed to issue notice to the petitioner and the private respondent and Rangasamy and pass orders on merits and in accordance with



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law, within a period of twelve weeks from the date of receipt of a copy of this order.

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7. With the above direction, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

28.09.2022

Index : Yes / No
Internet : Yes/ No
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R.VIJAYAKUMAR, J.

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