



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.608 of 2011

and

M.P(MD)Nos.2 of 2011 and 1 of 2013

S.R.Sundaravelayutham(Died) ... Petitioner

Bagavathikumari

W/o.Late. S.R.Sundaravelayutham

(petitioner is brought on record as the legal heir of the deceased sole petitioner vide Court order, dated, 04.04.2017 in W.M.P(MD)No.3816 of 2017)

Vs.

1.The District Revenue Officer,
Tirunelveli District,
Tirunelveli.

2.The Revenue Divisional Officer,
Tirunelveli Revenue Division,
Tirunelveli.

3.The Tahsildar,
Sankarankovil Taluk,
Sankarankovil,
Tirunelveli District.

4.A.V.R.M.V.Sankaranarayana Mudaliar (Died) ... Respondents

5.S.Savithiri

6.V.S.Velayutham

7.S.Veena Sundaraman

8.Ajith @ Chandrasekar

9.Nicky @ Sasinarayanan

10.V.S.Janaky

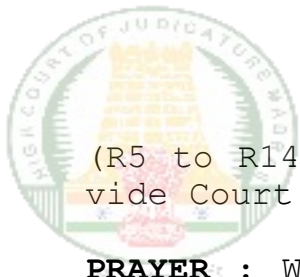
11.V.S.Murugan

12.Sanjeevi

13.Sindhiya

14.V.S.Rajagopal

<https://hcservices.ecourts.gov.in/hcservices/>



(R5 to R14 brought on record as the legal heirs of the deceased R4 vide Court order dated 08.11.2011 in M.P(MD)No.3 of 2011)

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 pertaining to the order, passed by the second respondent in Na.Ka.No.A3/1152/09, dated 24.02.2009 confirmed by the order of the first respondent in Na.Ka.No.A2/See.Ma.No.5/2010, dated 19.11.2010 and quash the same as against the law.

For Petitioner : Mr.F.X.Eugene

For Respondents : Mr.N.Muthu Vijayan
Special Government Pleader
for R1 to R3
Mr.N.Dilip Kumar
for R6
No appearance
for R4,R5 and R7 to R14

ORDER

The present writ petition has been filed challenging an order passed in the patta proceedings.

2. According to the writ petitioner, Patta No.867 was standing in the name of his grand father Sankara Subbiah Mudaliar. After his death, it devolved upon his father and after the death of his father, patta got transferred in the name of the writ petitioner. This patta was challenged by the co-sharers of the said property before the Revenue Divisional Officer. By an order dated 24.02.2009, the Revenue Divisional Officer has set aside the order and cancelled the patta standing in the name of the writ petitioner. The writ petitioner challenged the said order before the District Revenue Officer, Tirunelveli. By an order dated 19.11.2010, the order of Revenue Divisional Officer was confirmed by District Revenue Officer, which is under challenge in the present writ petition.

3. Admittedly, between the co-sharers of the disputed property S.A(MD)No.123 of 2022 is pending. In view of the impugned order, the patta has now been mutated in the name of the deceased fourth respondent. The said position shall continue till the disposal of S.A(MD)No.123 of 2022. Depending upon the outcome of S.A(MD)No.123 of 2022, the writ petitioner is at liberty to approach the Tahsildar once again. Based upon the judgment and decree in S.A(MD)No.123 of 2022, the Tahsildar shall effect mutation in the revenue records, if required.



4. With the above said observation, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CO)

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/ /2022

Sub Assistant Registrar(CS)

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To

- 1.The District Revenue Officer,
Tirunelveli District,
Tirunelveli.
- 2.The Revenue Divisional Officer,
Tirunelveli Revenue Division,
Tirunelveli.
- 3.The Tahsildar,
Sankarankovil Taluk,
Sankarankovil,
Tirunelveli District.

+1 CC to M/s.F.X. EUGENE, Advocate (SR-24314[F] dated 06/06/2022)

+1 CC to M/s.SPL.GP (SR-24391[F] dated 07/06/2022)

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-24477[F] dated 07/06/2022)

W.P(MD)No.608 of 2011
06.06.2022

KS(CO)

KB(13.06.2022) 3P 7C