



WEB COPY

W.P(MD)No.7129 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2022

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P (MD) No.7129 of 2013

and

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

Ramanujam

: Petitioner

Vs.

1.The District Revenue Officer,
Thanjavur District,
Thanjavur.

2.The Revenue Divisional Officer,
Pattukottai,
Thanjavur District.

3.The Tahsildar,
Peravurani Taluk,
Peravurani,
Thanjavur District.

4.S.Srinivasan

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari calling for the records of the 1st respondent relating to the impugned order in Tha.Pa.13/2011/Vu2, dated 21.02.2013 confirming the order passed by the 2nd respondent vide proceedings in Tha.Pa.20/2008/A4, dated 28.04.2010 and quash the same.

For Petitioner :Mr.S.Deenadhayalan

For Respondents :Mr.D.Gandhiraj
Special Government Pleader
for R.1 to R.3
Mr.N.Balakrishnan
for R.4

O R D E R

This writ petition is filed as against the order passed by the first respondent / District Revenue Officer, dated 21.02.2013, confirming the order passed by the second respondent / Revenue Divisional Officer, dated 28.04.2010.

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



2.This Court does not find any infirmity in the order passed by the District Revenue Officer. A suit was filed in O.S.No.1 of 1979 for recovery of possession and the suit was decreed on 30.03.1980 in favour of the plaintiffs and the defendants 1 & 2 therein. The petitioner thereafter filed an execution petition and based on the orders passed thereon, applied for transfer of patta before the third respondent / Tahsildar, who has also transferred the patta in favour of the petitioner, unmindful of the fact that a joint decree was passed.

3.Order XXI Rule 15(1) of the Code of Civil Procedure reads as follows:-

"15. Application for execution by joint decree-holders

(1) Where a decree has been passed jointly in favour of more persons than one, any one or more such persons may, unless the decree imposes any condition to the contrary, apply for the execution of the whole decree for the benefit of them all, or, where of them has died, for the benefit of the survivors and the legal representatives of the deceased."

4.Admittedly, in the case on hand, a joint decree was passed and as such, as per Order XII Rule 15(1) C.P.C., the benefit inures for all of them. However, the revenue records have been mutated in favour of the petitioner alone by transferring the patta in his name by the orders of the third respondent / Tahsildar, which was rightly reversed by the second respondent / Revenue Divisional Officer and confirmed by the first respondent / District Revenue Officer.

5.Accordingly, this writ petition stands dismissed. It is open to the petitioner to work out his remedy in the manner known to law. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

11/04/2022

Sub Assistant Registrar (CS-II)

gk

To

1.The District Revenue Officer,
Thanjavur District,

Thanjavur

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



2.The Revenue Divisional Officer,
Pattukottai,
Thanjavur District.

3.The Tahsildar,
Peravurani Taluk,
Peravurani,
Thanjavur District.

+1 CC to M/s.N. BALAKRISHNAN, Advocate (SR-17654[F] dated
08/04/2022)

+1 CC to M/s.SPL.GP (SR-17944[F] dated 11/04/2022)

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USK/11.04.2022/3P/6C