



W.P.(MD)Nos.8410 & 10084 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2022

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)Nos.8410 & 10084 of 2013

and

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

W.P(MD)No.8410 of 2013:

- 1.K.Muthukarakkal
- 2.N.Pooranam (Died)
- 3.V.Ponselvam
- 4.N.Satheeshkumar

... Petitioners

(P4 impleaded as LRS vide Court Order dated 28.11.2022 in W.M.P. (MD).No.20427 of 2022 in W.P.(MD).No.8410 of 2013 by RVJ)

Vs.

1.The District Revenue Officer,
Sivagangai District,
Sivagangai.

2.The Tahsildhar,
Ilayaagudi Taluk,
Sivagangai District.

- 3.P.Ramasamy,
- 4.P.Muthu
- 5.P.Sethupandi
- 6.R.Duraipandi
- 7.D.Chellam



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- 8.M.Nagu(Died)
- 9.M.Kali(Died)
- 10.Veerapandi
- 11.Karuppuchamy
- 12.Gopi
- 13.Chinnaponnu @ Rajeshwari
- 14.Kalaiselvi
- 15.Sumathi
- 16.Karakkal
- 17.Tamilselvi
- 18.Raakku
- 19.Panjavarnam
- 20.Jayalalitha
- 21.Jamuna
- 22.Podhumponnu
- 23.Muthathal
- 24.Pushpam

.. Respondents

(R10 to R24 are impleaded vide Court order dated 07.12.2022 in W.M.P. (MD).No.18985 of 2022 in W.P.(MD).No.8410 of 2013 by KBJ)

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records from the 1st respondent in their proceedings in g.K.gp.4-4370-2011 dated 04.04.2013 and quash the same.

For Petitioners :Mr.M.Solaisamy

For Respondents :Mr.S.Ramesh for
Mr.V.Ragavashari for R3 to R7

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1.K.Muthukarakkal

2.N.Pooranam (Died)

3.V.Ponselvam

4.N.Satheeshkumar

... Petitioners

(P4 impleaded as LRs vide Court order dated 28.11.2022 in W.M.P. (MD).No.20421 of 2021 in W.P.(MD).No.10084 of 2013 by RVJ)

Vs.

1.The District Revenue Officer,
Sivagangai District,
Sivagangai.

2.The Tahsildhar,
Ilayaagudi Taluk,
Sivagangai District.

3.P.Ramasamy,

4.P.Muthu

5.P.Sethupandi

6.R.Duraipandi

7.D.Chellam

8.M.Nagu(Died)

9.M.Kali(Died)

10.Veerapandi

11.Karuppuchamy

12.Gopi

13.Chinnaponnu @ Rajeshwari

14.Kalaiselvi

15.Sumathi

16.Karakkal

17.Tamilselvi

18.Raakku

19.Panjavarnam

20.Jayalalitha



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21.Jamuna

22.Podhumponnu

23.Muthathal

24.Pushpam

... Respondents

(R10 to R24 are impleaded vide Court Order dated 07.12.2022 in W.M.P. (MD).No.18988 of 2022 in W.P(MD).No.10084 of 2013 by KBJ)J

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records from the 1st respondent in their proceedings in g.K.gp.4-4368-2011 dated 04.04.2013 and quash the same.

For Petitioners :Mr.M.Solaisamy

For Respondents :Mr.S.Ramesh for
Mr.V.Ragavashari for R3 to R7

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COMMON ORDER

Writ petitions have been filed challenging the order passed by the District Revenue Officer, Sivagangai, rectifying the revenue records.

2.The petitioners, being aggrieved against the same, had challenged this, inter alia contending that the property has been allotted to



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the mother of the petitioner by an oral gift by their Grand Mother. Therefore, the learned counsel for the petitioners would contend that for inclusion of the other legal heirs of their Grand Mother in the patta, the impugned proceedings will have to be set aside.

3.Countering the arguments, the learned counsel for the respondents 3 to 5 would submit that the properties were given a share by way of an oral partition and therefore, they are entitled to be granted with the patta.

4.At this juncture, It is also submitted by the learned counsel for the petitioners that a civil proceedings pending between the parties in respect of the same property.

5.I am of the considered view that the patta is a revenue patta, which does not confer any title on the parties and in view of the civil proceedings pending between the parties, after completion of the same, the parties can approach the revenue authorities to mutate the patta, as per the



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result of the civil proceedings.

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6.In view of the above observations, the impugned proceedings in these writ petitions shall be the subject matter of the civil proceedings between the parties. Accordingly, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are also closed.

07.12.2022

Index : Yes / No
Speaking Order/Non Speaking Order

sbm

To

- 1.The District Revenue Officer,
Sivagangai District,
Sivagangai.
- 2.The Tahsildhar,
Ilayaagudi Taluk,
Sivagangai District.



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W.P.(MD)Nos.8410 & 10084 of 2013
and
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The matter is listed today under the caption “for being mentioned” at the instance of the learned counsel appearing on either side.

2.Heard the learned counsel on either side.

3.The learned counsel appearing on either side submitted that the the submission made on behalf of the petitioner has been wrongly mentioned as submissions made by the respondents 3 to 5, in Paragraph No. 3. Hence, request this Court to modify accordingly.

4. In view of the above, the Registry is directed to issue fresh order copy after incorporating the following changes in the paragraph No.3 of the order made in W.P.(MD).Nos.8410 & 10084 of 2018, dated 07.12.2022:



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“ 3.The learned counsel for the petitioner would submit that the properties were given a share by way of an oral partition and therefore, they are entitled to be granted with the patta”.

5.This Court further direct the Registry is to verify the vakalat filed on behalf of other respondents, if any, and include the name of the learned counsel who have filed the vakalat.

21.12.2022

Index:Yes/No
Internet:Yes/No
Speaking order/Non Speaking order
sbn



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