



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)Nos.11547 & 10810 of 2022

and

W.M.P. (MD)No.7783 of 2022

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In W.P. (MD)No.11547 of 2022

V.Selvaraj

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Kovilpatti,
Thoothukudi District.

2.Subburaj

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to complete the enquiry pending in Na.Ka.No.A2/10286/2021 based on his complaint dated 29.11.2021 and unnumbered proceeding based on his complaint dated 25.04.2022 within the stipulated period.

For Petitioner

: Mr.Aayiram K.Selvakumar

For R1

: Mr.N.Ramesh Arumugam
Government Advocate

For R2

: Mr.T.Leninkumar

In W.P. (MD)No.10810 of 2022

Subburaj

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Kovilpatti,
Thoothukudi District.

2.The Tahsildar,
Ettayapuram Taluk,
Thoothukudi District.

3.Selvaraj

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to refer the issue of appeal dated 15.11.2021 preferred by the third respondent to the Civil Court pursuant to Rule 4(4) of the Tamil Nadu Patta Book Rules, 1987.



For Petitioner

: Mr.T.Lenin Kumar

For R1 & R2

: Mr.K.Balasubramani

Special Government Pleader

For R3

: Mr.Aayiram K.Selvakumar

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Heard the learned counsel on either side.

2. Since both the writ petitions are inter-linked, they are being taken up and disposed of together.

3. The subject matter of the writ petition pertains to the property comprised in the petition mentioned survey numbers. There is no dispute that they originally belonged to one Alagarsamy Naicker. The said Alagarsamy Naicker had five children. Thiru.Subburaj / petitioner in W.P.(MD)No.10810 of 2022 is one of them. Thiru.V.Selvaraj is the grandson of Alagarsamy Naicker born through a daughter. The revenue record reflects the name of Subburaj alone. Questioning the same, Selvaraj filed an appeal before the Revenue Divisional Officer, Kovilpatti. Enquiry was taken up. While Selvaraj wants the Revenue Divisional Officer, Kovilpatti to conclude the enquiry, Subburaj wants the Revenue Divisional Officer to refer the matter to the Civil Court under Rule 4(4) of the Tamil Nadu Patta Pass Book Rules, 1987.

4. The stand of Subburaj is that he had already filed O.S.No.114 of 2022 on the file of the District Munsif Court, Kovilpatti.

5. I am more than satisfied that this is a matter which the Revenue Divisional Officer himself can decide. The only issue that he has to determine is whether reflection of the name of Subburaj alone in the revenue record is proper. It is true that O.S.No.114 of 2022 has been filed by Subburaj. But then, it is only for the relief of permanent injunction. No relief of declaration has been sought. Subburaj even before this Court has not projected any Will or settlement deed executed by his father Alagarsamy Naicker.

6. In these circumstances, the Revenue Divisional Officer, Kovilpatti can very well decide the issue raised before him by Thiru.Selvaraj. It is stated that enquiry is at the final stage. The Revenue Divisional Officer, Kovilpatti is directed to dispose of the appeal filed by Thiru.Selvaraj on merits and in accordance with law after hearing Thiru.Subburaj and pass final order within a period of eight weeks from the date of receipt of a copy of this order.



7. These Writ Petitions are disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

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// True Copy //

/06/2022

Sub Assistant Registrar(CS)

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To

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Kovilpatti,
Thoothukudi District.

2.The Tahsildar,
Ettayapuram Taluk,
Thoothukudi District.

+2 CC to M/s.SPL.GP. (SR-26424[F] & SR-26515[F] dated 17/06/2022)

W.P.(MD)Nos.11547 & 10810 of 2022
15.06.2022

MGJ(29.06.2022) 3P 5C