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W.P.(MD)NO.13590 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.13590 of 2019 and
W.M.P.(MD)Nos.10139 & 10140 of 2019

M. Muthu

... Petitioner

Vs.

1. The District Revenue Officer,
District Revenue Office,
Virudhunagar District.
2. The Revenue Divisional Officer/Sub Collector,
The Revenue Divisional Officer,
Sattur,
Virudhunagar District.
3. The Tahsildar,
Rajapalayam,
Virudhunagar District.
4. The Assistant Director,
Land Survey Department,
Virudhunagar,
Virudhunagar District.
5. S. Kudappa Thevar
6. V. Marimuthu
7. K. Vellaichamy
8. M. Krishnasamy

... Respondents



Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the 1st respondent in his proceedings in Ni.Mu.A2/44613/15 dated 22.01.2019 and further direct respondents 1 to 4 to restore the name of the petitioner in the Patta Passbook in respect of Survey No.364/19 to an extent of 0.04.0 Ares in Thenkarai Village, Vembakottai Taluk, Virudhunagar District within a time stipulated by this Court.

For Petitioner : Mr.V. Meenakshisundaram,
for Mr.D.Nallathambi.

For R-1 to R-4 : Mr.M.Prakash,
Additional Government Pleader.

For R-5 to R-8 : Mr.P.M.Vishnu Varthanan

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner seeks issuance of exclusive patta for 10 cents of land in the petition mentioned survey number. According to him, patta stood in the name of Muthaiah Thevar, S/o.Kaliammal in respect of the entire 10 cents of land.



However, the names of the private respondents were included during UDR. Seeking their deletion, the writ petitioner moved the District Revenue Officer, Virudhunagar District. By the impugned order, the petitioner's request was rejected. Challenging the same, this writ petition came to be filed.

3. From a reading of the impugned order, it is seen that the petitioner's grandmother Kaliasammal had purchased 2½ cents of land in the petition mentioned survey number in the year 1943. Therefore, the petitioner's case for issuance of separate patta in respect of 2½ cents of land has to be accepted. The third respondent is directed to issue separate patta in respect of 2½ cents of land. As regards the remaining 7½ cents of land, the petitioner is not able to produce the antecedent documents. According to him, it is an ancestral property. The District Revenue Officer has rendered a finding that the property originally belonged to Chithirabuthiran. The said Chithirabuthiran had male legal heirs as well as one daughter. The petitioner claims lineage through the daughter Kaliasammal. The private respondents claims lineage through the male legal heirs. The petitioner's case has anchored on



long possession and ouster. This has to be established before the jurisdictional civil Court. Leaving open the all rights of the respective parties, this writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

10.08.2022

Index : Yes / No

Internet : Yes/ No

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To:

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The Revenue Divisional Officer,
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Virudhunagar District.
3. The Thasildhar,
Rajapalayam,
Virudhunagar District.
4. The Assistant Director,
Land survey Department,
Virudhunagar,
Virudhunagar District.



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G.R.SWAMINATHAN,J.

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