



W.P(MD)No.13535 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13535 of 2022

and

W.M.P.(MD)No.9637 of 2022

P.Jenitta

... Petitioner

Vs.

1.The District Revenue Officer,
Thoothukudi,
Thoothukudi District.

2.The Revenue Divisional Officer,
Thoothukudi,
Thoothukudi District.

3.The Tahsildar,
Taluk Office,
Tuticorin Taluk,
Tuticorin District.

4.G.S.Ashokar

5.G.S.Thangaraj

6.G.S.Esa

7.G.S.Jacob

8.G.S.Edwin



W.P(MD)No.13535 of 2022

(R4 to R8 are suo motu impleaded vide order dated 11.07.2022 in W.M.P.(MD)No.13486 & 13535 of 2022)

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... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned intimation letter by the third respondent in ந.க.ஆ.2/385/2021, dated 20.01.2022 and quash the same and consequently direct the respondents to issue patta in respect of the property in patta No.503, Survey No.113/2A with an extent of 9.691 cents situated at Sangaperi Village, Thoothukudi Taluk, Thoothukudi District.

For Petitioner : Mr.R.Jegadeeswaran

For R1 to R3 : Mr.M.Sarangan
Additional Government Pleader

For R4 to R8 : Mr.P.Alwin Balan

ORDER

Heard the learned counsel on either side.

2. The writ petitioner purchased the petition mentioned property from one Samuvel S/o.Gnanamani Nadar. He applied to the third respondent for mutation of revenue record in his name. Since the private respondents herein have raised doubts regarding the very title of the petitioner's vendor, the jurisdictional Tahsildhar by the impugned memorandum dated 20.01.2022 declined to consider the petitioner's request for the present. Challenging the



W.P(MD)No.13535 of 2022

same, this writ petition has been filed.

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3. The learned counsel appearing for the private respondents strongly contended that the property in question formed a part of the larger extent of the property and was purchased by their father G.Samuel Nadar. He would further state that the original document is very much with them. However, Patta Pass Book No.716 is also reflecting their father's name. While their father G.Samuel Nadar was the son of Gnanamuthu Nadar, the petitioner's vendor was the son of Gnanamani Nadar. However, taking advantage of similarity of name, some mischief according to the learned counsel for the private respondents occurred during UDR. To correct the said error, they have since moved the competent authority namely the District Revenue Officer, Thoothukudi. They have also given a police complaint. According to the learned counsel for the private respondents, the third respondent rightly declined to consider the petitioner's request in view of the aforesaid controversies.

4. I carefully considered the rival contentions and went through the materials on record.

5. I make it clear that for a moment, I am not rejecting the contentions advanced by the learned counsel appearing for the private respondents. RSO 31 is as follows:-



W.P(MD)No.13535 of 2022

2.Three classes of transfers:- All legal transfers of property take place either (a) by the voluntary action of the owners or (b) by virtue of decrees of court or revenue sale, or (c) accrue by succession and in dealing with three classes of transfers, the following procedure should be observed in altering the registers.

3.Voluntary transfers of title:- (I) In all cases of absolute transfer of title, the registry of a holding may be altered to correspond with the transfer of its ownership on the application of both the parties to the transfer of either of them, provided that the application for change of registry is in every case made in writing and is signed by the party or parties making it.

6. The petitioner had purchased the petition mentioned land from Samuvel Nadar S/o.Gnanamani Nadar vide sale deed dated 11.10.2021. A copy of the patta has been enclosed at page No.34 of the typed set of papers. It clearly describes the incumbent pattadhar as Samuvel S/o.Gnanamani Nadar. The petitioner's counsel points out that the very same Samuvel S/o.Gnanamani Nadar sold the adjacent land in favour of one Shaljin Joshava and Suba Lakshmi. Patta has been mutated in their favour. When the petitioner's vendor's name is clearly reflected in the revenue record, by virtue of the purchase through registered sale deed, the petitioner is entitled to substitute his name in the place of his vendor. Otherwise RSO 31 will be rendered infructuous.



W.P(MD)No.13535 of 2022

7. Therefore, in this view of the matter, the impugned endorsement issued by the third respondent is set aside. The third respondent is directed to mutate the revenue record in respect of the petition mentioned land in favour of the petitioner. At the same time, the concerns expressed by the learned counsel appearing for the private respondents deserve to be redressed. According to them, the mistake or fraudulent entry took place during UDR. The District Revenue Officer, Thoothukudi is the authority competent to set right the mistake if any. The private respondents appear to have given the petition before the said authority. They are at liberty to file a fresh petition before the District Revenue Officer, Thoothukudi. The District Revenue Officer, Thoothukudi is directed to hold enquiry and issue notice to all the interested persons and pass final order within a period of sixteen weeks after such filing. Mutation now directed to be made pursuant to the impugned order will abide by the outcome of the DRO proceedings.

8. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

01.08.2022

Index : Yes / No
Internet : Yes/ No
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W.P(MD)No.13535 of 2022

G.R.SWAMINATHAN, J.

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