



W.P.(MD)No.13567 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.13567 of 2022

R.Agatha Christy

... Petitioner

Vs

The Tahsildar,
Thiruvattar Taluk,
Thiruvattar Taluk Office,
Kanyakumari District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondent to consider and dispose of the petitioner's representation, dated 14.05.2022.

For Petitioner : Mr.G.Cenil

For Respondent : Mr.M.Sarangan
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The land in question measures 30 (Thirty) cents. Originally, the revenue records stood only in the name of the petitioner's father, namely,



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Rathnaraj. It appears that one Sundarrajan moved the Revenue Divisional Officer and got his name included in the revenue record as joint pattadhar in respect of 7 (Seven) cents of land. The said order was challenged by the petitioner before the District Regional Officer, Nagercoil. Vide order dated 30.09.2021, the petitioner's revision was dismissed. The petitioner was directed to move the jurisdictional civil Court.

3. The case of the petitioner is that the rival claimant filed O.S.No.239 of 2015 on the file of the Principal District Munsif Court, Padmanabapuram, seeking the reliefs of declaration, demarcation and permanent injunction. Since he did not prosecute the same, it was dismissed for default on 24.09.2019. It is stated by the learned counsel appearing for the petitioners that the said suit has not been restored to file.

4. Be that as it may, on the strength of the said decree whereby, Sundarrajan's suit was dismissed for default, the petitioner cannot claim any relief. The petitioner had only given a representation before the respondent for deletion of Sundarrajan's name. Even the inclusion of the name of Sundarrajan was based on the Revenue Divisional Officer's order and the same was also confirmed by the District Regional Officer, the Tahsildar cannot pass any order accepting the petitioner's request. The Tahsildar can delete the name of



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Sundarrajan only if the petitioner obtains positive decree in her favour from the jurisdictional civil Court. Such decree has not been obtained so far. The decree that has been produced before me only states that Sundarrajan's suit was dismissed for non-prosecution. The same cannot advance the petitioner's case in any manner. Only after the petitioner obtains a declaration decree in her favour in a suit, in which, Sundarrajan is also impleaded as the defendant, the Tahsildar can be moved again for mutation of the revenue records and not till then.

5. With this liberty to the writ petitioner, this writ petition is dismissed.

No costs.

11.07.2022

Index : Yes / No
Internet : Yes/ No
mga

To

The Tahsildar,
Thiruvattar Taluk,
Thiruvattar Taluk Office,
Kanyakumari District.



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G.R.SWAMINATHAN, J.

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