



W.P.(MD)No.18615 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.18615 of 2020

and

W.M.P.(MD)Nos.15566 & 15567 of 2020

V.R.Periyakaruppan

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Sivagangai District.

2.The Revenue Divisional Officer,
Office of the R.D.O
Sivagangai District.

3.The Tahsildar,
Karaikudi.

4.The Zonal Deputy Tahsildar,
Karaikudi.

5.Periyakaruppan Meenatchi

6.Nachiappan

7.Chidambaram

8.Nachiappan

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a

Writ of Certiorarified Mandamus, to call for the records of the proceedings in



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2020/0153/23/000414 ITR dated 10.07.2020 on the file of the fourth respondent and to quash the same as illegal and without jurisdiction and to direct the second respondent to conduct a fresh enquiry and issue a joint patta in the name of all the legal representatives of Mr.V.R.Chidambaram Chettiar.

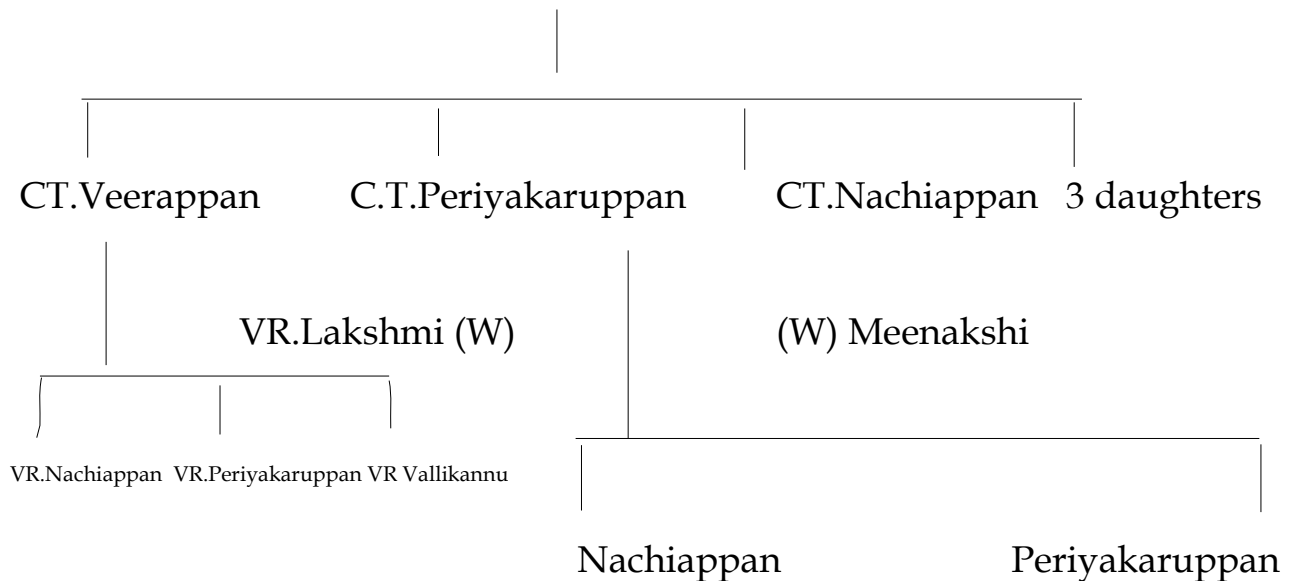
For Petitioner	: Mr.Govind Chandrasekar
For R1 to R4	: Mr.K.Balasubramani
	Special Government Pleader
For R5 to R8	: Mr.S.Karthik

ORDER

Heard the learned counsel on either side.

2. The property in question admittedly belongs to RM.VR.CT.Chidambaram Chettiar. He was blessed with three sons and three daughters. The family tree is as follows:-

RM.VR.CT.Chidambaram Chettiar





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3. It is stated that RM.VR.CT.Chidambaram Chettiar executed a Will dated 12.01.1982 bequeathing the petition mentioned property in favour of his three sons. We are not concerned with the other properties covered under the Will. The revenue record in respect of the petition mentioned property continued to reflect the name of RM.VR.CT.Chidambaram Chettiar all these years. While so, in the year 2020, mutation was effected and the names of R5 to R8 were included. R5 to R7 are the legal heirs of the second son namely C.T.Periyakaruppan. R8 is the third son. The specific allegation of the petitioner is that this mutation in favour of the second son's branch and the third son took place behind his back when the pandemic was at its peak. The petitioner however is not able to produce the copy of the proceedings whereby mutation was ordered to be effected. What has been produced before this Court is only the extract of the town survey register. Normally, this Court would expect the petitioner to produce the copy of the proceedings. However, considering the facts and circumstances of this case, I am satisfied that the fourth respondent clearly lacked the jurisdiction to effect mutation. As per the Will dated 12.01.1982, the property in question will go in equal shares in favour of the three sons.



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4. The learned counsel appearing for the private respondents 5 to 8 would contend that since the petitioner did not act in terms of the Will clause, his right in the petition mentioned property stood extinguished and therefore, the fourth respondent was justified in including the name of R5 to R8 and excluding the name of the writ petitioner.

5. I am not persuaded by the said contention advanced by the learned counsel appearing for R5 to R8. Whether the petitioner's right over the petition mentioned property stood extinguished in terms of the Will is a matter that has to be left to the jurisdictional civil court to adjudicate. The revenue authority could not have decided this civil dispute. The Hon'ble Division Bench of the Madras High Court in *W.A.No.229 of 2018, dated 17.07.2019 (P.Rukumani Vs.Amudhavalli)* had held that when serious title disputes are involved, the revenue authority would lack the jurisdiction to go into the same and that it should relegate the parties to move the concerned court. The impugned mutation made in favour of the private respondents is vulnerable on two counts:-

(I) Lack of jurisdiction on the part of the revenue authorities to go into a title dispute.

(II) Non-issuance of notice to the writ petitioner when his right was directly involved.



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6. For these two reasons, the impugned mutation is quashed. The fourth respondent is directed to restore (*)the existing name of RM.VR.CT.Chidambaram Chettiar in the revenue record. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

(*)Corrected as per order of this Court dated 15/10/2024 made in WMP(MD)No.24044 of 2023 in WP(MD)No.18615 of 2020

Sd/-

Assistant Registrar (Records)

// True Copy //

/11/2024

Sub Assistant Registrar(CS)

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To

(*)To be substituted the order which already despatched on 06/09/2022

- 1.The District Collector,
Office of the District Collector,
Sivagangai District.
- 2.The Revenue Divisional Officer,
Office of the R.D.O,Sivagangai District.
- 3.The Tahsildar,Karaikudi.
- 4.The Zonal Deputy Tahsildar,Karaikudi.

+1 CC to M/s.S.KARTHICK, Advocate (SR-31763[F] dated 14/07/2022)



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+1 CC to M/s.SPL.GP (SR-32275[F] dated 18/07/2022)

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MGJ(24.08.2022) 6P 7C

MGJ(12.11.2024) 6P 7C