



W.P.(MD)No.23126 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.23126 of 2015

and

M.P.(MD)No.1 of 2015

and

W.M.P.(MD)No.8369 of 2018

Muthuammal

... Petitioner

Vs.

1.The Revenue Divisional Officer (RDO),
Devakkottai.

2.P.Vairamudi

3.P.Kanagasabai

4.P.Perumal

5.P.Nachiappan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned proceedings of the first respondent dated 26.10.2015 in ப.மு.அ1/3050/2015 served on 02.12.2015 and quash the same.



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For Petitioner : Mr.R.Sundar Srinivasan

For Respondents : Mr.D.Sasikumar,
Additional Government Pleader for R1
Mr.R.Balakrishnan
for Mr.N.Ramji for R3 & R5
No appearance for R2 & R4

ORDER

The present writ petition has been filed challenging the order passed by the first respondent herein, wherein, the patta standing in name of the writ petitioner was canceled and it was transferred in the name of one Sethu.

2. According to the learned counsel for the writ petitioner, one Sethu @ Kaliammal was the original owner of the property by way of sale deed dated 05.08.1958 and she had executed registered sale deed in favour of the writ petitioner in the year 1990. Thereafter, the property was also transferred in the name of the writ petitioner and the name of the writ petitioner was entered into 10(1) account cum patta and also in the village accounts. The property tax also stands in the name of the writ petitioner.



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3. Suddenly, in the year 2015, some of the legal heirs of the vendor, namely, Sethu @ Kaliammal made an application to the first respondent herein alleging that their mother has not sold the said property in favour of the writ petitioner and a sale deed has been created by the writ petitioner, dated 18.07.1990.

4. The first respondent herein after hearing the both parties had passed an order cancelling the patta standing in the name of the writ petitioner on the ground that the revenue patta reflects the writ petitioner's vendor only Sethu and not Sethu @ Kaliammal and that the writ petitioner has purchased the property from a wrong person. The said order is under challenge in the present writ petition.

5. The learned counsel for the writ petitioner contended that original sale deed standing in the name of the private respondents' mother clearly indicates that their mother is Sethu @ Kaliammal and hence, the finding of the first respondent herein is perverse.



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6. Per contra, the learned counsel for the private respondents contended that the revenue records would reflect only Sethu and the revenue authorities are duty bound to tally the name reflected in the revenue records.

7. I have carefully considered the submissions made on either side.

8. Admittedly, the property in dispute was purchased on 05.08.1958 by one Sethu @ Kaliammal. Only the said property has been sold in favour of the writ petitioner by way of a sale deed dated 18.07.1990. In both the documents, the writ petitioner's vendor name is reflected as Sethu @ Kaliammal. Just because in the revenue records “Alias of Sethu” is not reflected, it does not mean that the writ petitioner had purchased the property from a wrong person.

9. The Revenue authorities are hereby directed to properly look into the registered documents before passing orders.



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10. In view of the above said aspects, the impugned order is not legally sustainable and the impugned order is set aside and the writ petition is allowed. The first respondent is directed to register the patta in the name of the writ petitioner within a period of 12 weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed. No costs.

05.08.2022

Index : Yes / No
Internet : Yes / No
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To

- 1.The Revenue Divisional Officer (RDO),
Devakkottai.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR ,J.

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Order made in
W.P.(MD)No.23126 of 2015

05.08.2022