



W.P.(MD)No.3236 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.3236 of 2017

and

W.M.P(MD)No.2569 of 2017

Ramakrishnan

... Petitioner

Vs

1.The District Divisional Officer Cum
Additional District Magistrate,
Ramanathapuram District,
Ramanathapuram.

2.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.

3.The Tahsildar,
Paramakudi Taluk Office,
Paramakudi,
Ramanathapuram District.

4.Muthu Muniyandi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the first respondent in his proceeding in Pa.Mu.(P5)/41723/2014 dated 26.12.2016 and quash the same consequently direct the third respondent to issue the patta with regard to Pugaloor group, Natham, S.No. 510/6 to an extent of 0.0158.0 Sq.ft to the petitioner.



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For Petitioner : Mr.G.Gomathi Sankar

For Respondents : Mr.G.Sivaraja
Government Advocate for R.1 to R.3

Mr.K.Neethimohan for R.4

ORDER

Heard the learned Counsel on either side.

2. The subject matter pertains to Survey No.510/6 in Pugaloor Group in Paramakudi Taluk. The revenue record in respect of the said property stood in the name of the writ petitioner's father Chinna Karuppan right from 1995 onwards. The petitioner's possession and enjoyment was sought to be disturbed by one Sebastian and two others. He filed O.S.No.106 of 1995 on the file of the District Munsif Court, Paramakudi. The suit was decreed as prayed for on 10.08.1998. The said decree was confirmed both in first appeal as well as in second appeal. The fourth respondent herein purchased 1518 Square feet in the said survey number from defendants in the suit. He, thereafter, filed a revision before the first respondent contending that his name should be substituted in the place of the writ petitioner. The first respondent, by the impugned order dated 26.12.2016 partly allowed the revision. Challenging the same, this writ petition came to be filed.



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3. Learned Counsel appearing for the writ petitioner took me through the averments set out in the affidavit filed in support of the writ petition and called upon this Court to quash the impugned order and allow the writ petition.

4. Per contra, the learned Government Advocate submitted that the impugned order does not warrant any interference.

5. The learned Counsel appearing for the fourth respondent emphasised the fact that the suit schedule in O.S.No.106 of 1995 was confined to 700 Square feet. Therefore, the first respondent was justified in coming to the conclusion that the revenue record should reflect the names of both the writ petitioner as well as the fourth respondent. In other words, the writ petitioner will have to claim over 700 Square feet of land while for the remaining extent, the fourth respondent will have claim.

6. According to the learned Counsel appearing for the respondents, this is an eminently reasonable order and that it does not call for any interference.

7. I carefully considered the rival contentions and went through the materials on record. It is seen that the property was originally classified as



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Natham. A rough patta was issued in the name of the writ petitioner's father in the year 1995. It is true that the suit schedule in O.S.No.196 of 1995 was confined only to 700 Square feet. It is seen that the petitioner's father sought the relief of permanent injunction restraining the defendants therein from interfering his possession and enjoyment of the suit property. A person need not seek relief for a larger extent than that is required. It is quite possible that the writ petitioner's father faced interference only over 700 Square feet of land and therefore, he chose to confine the relief to the said extent alone. Therefore, one cannot come to any conclusion based on the extent of the suit schedule.

8. Be that as it may, the names of the vendors of the fourth respondent did not find place in the revenue record. On the strength of the sale deed executed by them, the first respondent could not have directed the inclusion of the fourth respondent as a joint pattadhar. Therefore, the impugned order is quashed. The Writ Petition is allowed. I make it clear that the rights of the fourth respondent have not been determined in this writ petition. It is too well settled that the outcome of the revenue proceedings cannot have any bearing on one's title. It is very well open to the fourth respondent to establish his rights before the jurisdictional civil Court. All the contentions of the petitioner are



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also left open. Consequently, connected miscellaneous petition is closed. No costs.

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Index : Yes / No

Internet : Yes/ No

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G.R.SWAMINATHAN, J.

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