



1

W.P.(MD)NO.385 OF 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.385 of 2017

A.Pathamuthu

... Petitioner

Vs.

1. The District Collector,
Sivagangai District,
Sivagangai.
2. The District Revenue Officer,
Sivagangai District, Sivagangai.
3. The Revenue Divisional Officer,
Devakottai, Sivagangai District.
4. The Tahsildar,
Thirupathur Taluk,
Sivagangai District.
5. Muthusamy
6. Arumugam
7. Sethu
8. Vanisri
9. Arul Anbarasi

... Respondents

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



Mandamus, calling for the records relating to the proceedings of the second respondent in Na.Ka.B1/13574/13 dated 29.07.2016 and quash the same and further directing the respondent Nos.1 to 4 to issue patta to the petitioner in respect of the land in survey No.104-1, Karaiyur Group, Thirupathur Taluk, Sivagangai District.

For Petitioner : Mr.V.Kannan

For R-1 to R-4 : Mr.M.Prakash,
Additional Government Pleader.

For R-5 to R-7 : Mr.S.M.Sanjay

For R-8 & R-9 : Mr.I.Sabeer Mohamed

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner states that she was granted assignment of the petition mentioned property in the year 1982. Her grievance is that even without cancelling the said assignment order, patta had been issued in favour of respondents 5 to 7. When the petitioner was aware of the mutation of the revenue records in favour of respondents 5 to



7, she filed an appeal before the Revenue Divisional Officer, Deyakottai. The Revenue Divisional Officer rejected the petitioner's appeal. Challenging the same, she went before the District Revenue Officer. By the impugned order dated 29.07.2016, the appeal was dismissed and the petitioner was asked to go before the jurisdictional civil Court. Challenging the same, the present writ petition has been filed.

3. In the meanwhile, the property in question had been purchased by respondents 8 and 9. After going through the materials on record, I noticed that the classification of the property in question was ' tharisu '. One Palani filed an appeal before the settlement officer. Aggrieved by the decision taken by the settlement officer, the said Palani filed an appeal before the Inam Abolition Tribunal, Sivagangai District, in C.M.A. No.46 of 1978. By order dated 16.04.1992 the appeal was allowed and the matter was remanded to the file of the Assistant Settlement Officer, Madurai. On 20.12.1993, the Assistant Settlement Officer, Madurai, accepted the case of the applicants and issued settlement patta in favour of respondents 5 to 7. Based on the subsequent proceedings,



subsequent mutation had taken place. It is seen that the petitioner was given assignment of the property in question during the pendency of the aforesaid proceedings. The petitioner ought to have questioned the order dated 20.12.1993 passed by the Assistant Settlement Officer, Madurai. Instead of doing so, she had been waging battle before the wrong forum.

4. This writ petition stands disposed of by permitting the petitioner to challenge the proceedings dated 20.12.1993 issued by the Assistant Settlement Officer, Madurai. If such challenge is mounted within a period of four weeks from the date of receipt of a copy of this order, the writ petitioner will not be thrown out on the ground of limitation. Her case will be entertained on merits. Of course the forum or authority before hearing the matter will put all the interested parties and subsequent purchasers / respondents 8 and 9 on notice. I make it clear that I have not gone into the merits of the matter.



5. This writ petition stands disposed of accordingly.

No costs.

26.07.2022

Index : Yes / No

Internet : Yes/ No

PMU

To:

1. The District Collector,
Sivagangai District,
Sivagangai.
2. The District Revenue Officer,
Sivagangai District, Sivagangai.
3. The Revenue Divisional Officer,
Devakottai, Sivagangai District.
4. The Tahsildar,
Thirupathur Taluk,
Sivagangai District.



WEB COPY



6

W.P.(MD)NO.385 OF 2017

G.R.SWAMINATHAN,J.

PMU

W.P.(MD)No.385 of 2017

26.07.2022