



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.5575 of 2017

and

W.M.P. (MD)Nos.4464 & 4465 of 2017

WEB COPY

Sri Balgopal Varma

... Petitioner

Vs.

1.The District Revenue Officer,
Tirunelveli District.

2.The District Collector,
Kollam District,
Kerala State.

3.Sri Parvathi Devi Varma

4.Sri Padmanabha Varma

5.Moolam Thirunal Rama Varma

Rep. by through its power of attorney

Mr.Avittam Thirumal Adithya Varma

... 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 impugned order passed by the first respondent in his proceedings Z2/63092/2011, dated 07.02.2017 and quash the same and consequently, directing the first respondent to allow the petitioner to participate in the enquiry conducted on 04.04.2017 by the first respondent.

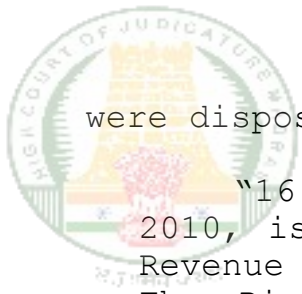
For Petitioner : Mr.V.Muthukamatchi
For R1 & R2 : Mr.M.Prakash
Additional Government Pleader

For R3 to R5 : Mr.G.Prabhu Rajadurai

ORDER

Heard the learned counsel on either side.

2. There is no dispute that patta in respect of the petition mentioned property originally stood in the name of then Maharaja of Travancore. However, mutation was later effected and as per the current entries, the petitioner mentioned properties stand in the name of the Government of Tamil Nadu. Seeking restoration of the earlier position, W.P.(MD)No.13737 of 2013 and W.P.(MD)No18108 of 2015 were filed . By order dated 13.07.2016, the writ petitions



were disposed of in the following terms:-

"16. In the result, the impugned order dated 26 February, 2010, is set aside and the matter is remitted to the District Revenue Officer, Tirunelveli District, for fresh consideration. The District Revenue Officer, is directed to consider the matter afresh on merits and as per law after giving reasonable opportunity to the petitioners and the State of Kerala. The representations submitted by the petitioner in W.P.(MD)No.18108 of 2015 should be considered along with the petition filed for transfer of patta, which is the subject matter in W.P.(MD) No.13737 of 2013. There is no need for the District Revenue Officer to decide as to who are all the legal heirs of Thiru.Padmanabha Dasa Uthradom Thirunal H.H.Marthanda Varma, who originally filed the writ petition in W.P.(MD)No.13737 of 2013. The only requirement is to decide as to whether the name of the pattadhar should be restored after cancelling the subsequent entries.

17. The District Revenue Officer is directed to conclude the proceedings as expeditiously as possible and in any case, within a period of four months from the date of receipt of a copy of this order.

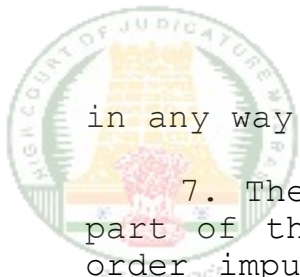
18. In the upshot, I allow the writ petition in W.P.(MD) No.13737 of 2013. The Writ Petition in W.P.(MD)No.18108 of 2015 is disposed of as indicated above."

3. Pursuant to the aforesaid direction, the District Revenue Officer, Tirunelveli, took up enquiry. The petitioner wanted to implead himself in the said enquiry. The petitioner's request was rejected by order dated 07.02.2017. Challenging the same, this writ petition has been filed.

4. The learned counsel appearing for the petitioner reiterated the contentions set out in the affidavit filed in support of the writ petition.

5. Per contra, the learned counsel appearing for R3 to R5 submitted that the earlier order dated 13.07.2016 makes it clear that the scope of the enquiry by the District Revenue Officer would be confined whether to restore the earlier position in the revenue record or not and that he would not go into the question as to who are all the legal heirs of the late Maharaja. Therefore, according to the private respondents, the petitioner need not be heard at all.

6. I do endorse the contention of the learned counsel appearing for R3 to R5 that the District Revenue Officer cannot go into the issue as to who are all the legal heirs of late Maharaja. Be that as it may, the petitioner is obviously on the same page as that of the private respondents as regards demand for restoration of the original position. Therefore, by permitting the petitioner to take



in any way be affected.

7. The petitioner is not an alien or a stranger. He is also a part of the erstwhile royal family of Travancore. Therefore, the order impugned in this writ petition is set aside. The District Revenue Officer will issue summons to the petitioner enabling him to participate in the enquiry. I make it clear that allowing of this writ petition and permitting the petitioner to participate in the enquiry will not in any way confer any kind of right on the petitioner that may even remotely affect the rights of the respondents 3 to 5. As regards the claim of the petitioner, the respondents 3 to 5 will have to independently establish the same in appropriate proceedings. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

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To

1.The District Revenue Officer,
Tirunelveli District.

2.The District Collector,
Kollam District,
Kerala State.

+1 CC to M/s.C. LAKSHMANAN, Advocate (SR-27504[F] dated
22/06/2022)

+1 CC to M/s.G. PRABHU RAJADURAI, Advocate (SR-27653[F] dated
23/06/2022)

+1 CC to M/s.SPL.GP (SR-27792[F] dated 23/06/2022)

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