



W.P.(MD)No.15892 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.06.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.15892 of 2017

and

W.M.P.(MD)No.12563 of 2017

Chithra

... Petitioner

Vs.

1.The District Revenue Officer,
District Collector Office,
Ramanathapuram District,
Ramanathapuram.

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

3.T.Karuppiah

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records in the respondent's impugned order in Pa.Mu.P(6)/61150/2014, dated 12.02.2016 and quash the same.



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For Petitioner : Mr.N.Ananthapadmanabhan
For R1 & R2 : Mr.N.Ramesh Arumugam
Government Advocate
For R3 : Mr.K.Mahendran

ORDER

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for R1 & R2 and the learned counsel appearing for the third respondent.

2. The issue in this writ petition concerns the entry of names in the revenue record in respect of the property comprised in Survey No.123/1 in Pullangudi Village. There is no dispute that the revenue record originally reflected the names of two persons namely Veerappan and Thopulan Akali. While so, mutation was effected and the name of the third respondent was entered in the revenue records. When the petitioner became aware of the same, the petitioner filed revision before the Revenue Divisional Officer, Ramanathapuram. After enquiring both parties, the Revenue Divisional Officer, Ramanathapuram directed restoration of the original names. Since the parties could not produce



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material as to who are all the legal heirs of the original pattadhars, they were directed to go before the Tahsildhar, Ramanathapuram and ask for mutation based on proof of legal heirship. Aggrieved by the same, the third respondent filed further revision before the District Revenue Officer, Ramanathapuram. By the impugned order dated 12.02.2016, the order passed by the Revenue Divisional Officer, Ramanathapuram was set aside and the revision was allowed. Challenging the same, this writ petition came to be filed.

3. The learned counsel appearing for the third respondent submitted that he had purchased the property through an unregistered document and that at present, he is in possession and enjoyment of the same. When according to the third respondent, the property belonged to Veerappan and Thopulan Akali, he could have sought mutation of his name in their place only if he had produced a registered deed of conveyance. Such a deed of registered conveyance was not forthcoming. Before the revenue authority, so far the third respondent has not placed any material to justify the inclusion of his name in the revenue record in the place of the earlier pattadhar. Therefore, the Revenue Divisional



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Officer, Ramanathapuram, rightly interfered in the matter. But the Revenue Divisional Officer, Ramanathapuram did not straight away accept the case of the petitioner. He only directed restoration of the original names namely Veerappan and Thopulan Akali.

4. The first respondent could not have interfered with such a well considered decision. The reasons assigned by the first respondent for setting aside the order of the Revenue Divisional Officer are patently unsustainable. The order impugned in the writ petition is quashed. The writ petition is allowed. It is for the petitioner as well as the third respondent to establish their case in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

29.06.2022

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN,J.

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