



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.2259 of 2017

and

W.M.P (MD)Nos.1868 & 1869 of 2017

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Jebakumar

... Petitioner

Vs

1.The District Revenue Officer
Thirunelveli District,
Thirunelveli.

2.The Revenue Divisional Officer,
(Sub Collector)
Cheranmahadevi,
Tirunelveli District.

3.The Tahsildar,
Ambasamudram Taluk,
Tirunelveli.

4.S.Joseph

... 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 relating to the impugned proceedings in U.P./41729/2014 (பி.ம.எண்.1/16) dated 03.01.2017 of the first respondent, confirming the order of the second respondent in Ni.Mu.A1/2162/14 dated 25.08.2014 and to quash the same and consequently direct the respondents 1 to 3 to restore the Patta in the petitioner's name in respect of property in Old S.No.368/5, New S.No.368/5F1E, Thiruvirunthanpalli Village, Ambasamudram taluk, Tirunelveli District to an extent of 10 cents.

For Petitioner : Mr.J.David Ganesan
for Mr.J.Ashok

For Respondents : Mr.M.Sarangan
Additional Government Pleader for
R.1 to R.3
Mr.G.Prabhu Rajadurai for R.4

ORDER

Heard the learned counsel on either side.

2. The subject matter of these proceedings relates to Survey No.368/5 measuring 1.59 Hectares. The writ petitioner claims right over 10 cents of land in Survey No.368/5F/1E in Thiruvirunthanpalli

<https://hcservices.ecourts.gov.in/hcservices/>



Village, Ambasamudram Taluk, Tirunelveli District. The petitioner purchased the said property from one, Santhoshakani vide order dated 29.06.2011. The said Santhoshakani claimed to have inherited her property from her mother Valliammal. Since the petitioner suffered interference at the hands of the fourth respondent, he filed O.S.No.83 of 2013 on the file of the District Munsif Court, Cheranmahadevi. Contending that Valliammal's name has been erroneously included in the revenue records, the fourth respondent filed an appeal before the second respondent. The second respondent put the petitioner on notice. The second respondent concluded that the petitioner has not been able to substantiate his case and that the name of Valliammal was erroneously included in the revenue records. He therefore, directed deletion of Valliammal's name vide order dated 25.08.2014. Aggrieved by the same, the petitioner filed a revision before the first respondent, namely, District Revenue Officer, Tirunelveli. The first respondent also by the impugned order dated 03.01.2017 confirmed the order of the second respondent. Challenging the same, the writ petition came to be filed.

4. The learned counsel appearing for the writ petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned orders.

5. Per contra, the learned Additional Government Pleader appearing for the official respondents as well as the learned counsel appearing for the private respondents submitted that the impugned orders do not call for any interference.

6. I carefully considered the rival contentions and went through the materials on record. The fourth respondent has filed a typed set of papers containing all the relevant documents. The extract from the A-Register has been enclosed. It is seen that Survey No.368/5 stood in the name of one, Sivanthimuthu and seven others. It is also seen that sons of one Chellaiah Nadar, namely, Thiru.Krishnan and Laxmana Perumal figured as the joint pattathars. The Adangal Extract as well as the patta standing in their names have been enclosed in the typed set of papers. While so, vide proceedings dated 02.09.1996 issued by the Zonal Deputy Tahsildar, Ambasamudram, the name of the Valliammal came to be included based on her application dated 08.02.1996. On going through the copy of the said proceedings, it is seen that inclusion of Valliammal's name was made without notice to the incumbent pattadhars. The said proceedings also does not indicate the basis on which Valliammal staked her claim. It is true that this inclusion of Valliammal in the revenue record went unchallenged for a number of years. Valliammal passed away and her daughter Santhoshakani, on the strength of this joint patta, sold the property in question to the petitioner herein. Thereafter, the petitioner herein filed the



aforesaid civil suit. Only thereafter, the fourth respondent became aware of the facts and he then moved to the second respondent as mentioned above.

7. From a careful perusal of the materials on record, I am more than satisfied that the revenue authorities have applied their minds and thereafter, sustained the claim of the fourth respondent. It is true that an injunction suit at present is pending. But the pendency of the suit for injunction cannot tie the hands of the revenue authority from ensuring the correctness of the entries in the revenue record. If the petitioner had filed a declaration suit probably, I would have taken a different view. In this case, the petitioner has not filed any declaration suit. He has also not placed any convincing material before this Court. On the other hand, the fourth respondent has placed ample materials in support of his claim. The impugned order does not call for any interference. The writ petition stands dismissed.

8. I, however, make it clear that these findings have been rendered only for the purpose of giving disposal to this writ petition. They will not in any way prevent the petitioner from establishing his case before the jurisdictional civil Court. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar(AE)

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/07/2022

Sub Assistant Registrar(CS)

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To

- 1.The District Revenue Officer,
Thirunelveli District,
Thirunelveli.
- 2.The Revenue Divisional Officer,
(Sub Collector)
Cheranmahadevi,
Tirunelveli District.
- 3.The Tahsildar,
Ambasamudram Taluk,
Tirunelveli.
Madurai District.



+1 CC to M/s.J. DAVID GANESAN, Advocate (SR-26094[F] dated
16/06/2022)

+1 CC to M/s.G. PRABHU RAJADUAI, Advocate (SR-26824[F] dated
20/06/2022)

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