



W.P.(MD)No.2486 of 2011

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.2486 of 2011
and W.M.P.(MD)Nos.504 of 2017 and 9497 of 2020

1. T.J.Sethuram Babu
2. T.J.S.Mothilal
3. T.J.S.Eswarlal
4. T.J.S.Kishorilal

... Petitioners

versus

1. District Collector,
Sivagangai District,
Sivagangai.
2. District Revenue Officer,
Sivagangai.
3. Special Tahsildar,
Survey and Settlements,
Sivagangai.
4. Tahsildar,
Manamadurai,
Sivagangai District.

5. Padmavathi

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records from the 4th respondent leading to pass the transfer of patta in மு.மு.(அ4)தா.ப.மா.D2004/501 in favour of the 5th respondent, quash the same and consequently, forbearing the respondents from implementing the said order in மு.மு.(அ4)தா.ப.மா.D2004/501 directing the respondents to restore the patta in the name of the petitioners as per the directions of the Special Commissioner and Commissioner of Land Administration, Chepauk, Chennai, passed in Lr.No.K1/29247/2003 dated 20.10.2003.

For Petitioners : Mr.T.R.Subramanian
for Mr.Rajagopal
For R1 to R4 : Mr.M.Sarangan,
Additional Government Pleader
For R5 : Mr.J.Bharathan

ORDER

This writ petition has been filed as against the order passed by the 4th respondent/the Tahsildar, Manamadurai, Sivagangai, granting patta for the lands in Survey No.11/23, to an extent of 2.94 acres in favour of the 5th respondent.



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2. The learned counsel appearing for the petitioners submits that patta for the lands to an extent of 2.94 acres situated in Survey No.11/5 of Kondakai Village, Manamadurai Taluk, was granted in favour of one T.L.Jegannatha Iyer, father of the first petitioner, by the Additional Assistant Settlement Officer, Madurai, vide his proceedings in S.R.No. 11(a)/7/SVG/66 dated 30.05.1967. Subsequent to that, the Assistant Director of Survey has sub divided the lands and granted patta in favour of the first petitioner's father Jegannatha Iyer for the lands in Survey No.11/9 to an extent of 1.30 acres instead of 2.94 acres. Thereafter, the first petitioner's father died on 26.03.1991. Therefore, the petitioners, who are the legal heirs of the said Jegannatha Iyer, have applied for grant of patta in respect of the land in S.No.11/11 to an extent of 1.64 acres, by enclosing the letter of the Special Commissioner and the Commissioner of Land Administration, Chepauk, Chennai, dated 20.10.2003, wherein a direction was given to the District Revenue Officer, Sivagangai, to make necessary changes in the revenue records as per the order of the Additional Assistant



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Settlement Officer dated 30.05.1967. At that point of time, the 5th respondent has claimed that he has obtained change of patta in Patta No.1872 for the said lands. On knowing that the patta has been transferred in the name of the 5th respondent, the petitioners have filed this writ petition.

3. It is reported that 5th respondent died on 20.01.2012. Thereafter, the petitioners have filed an impleading petition in W.M.P. (MD)No.504 of 2017 to implead the legal heirs of the 5th respondent as respondents 6 and 7 in this writ petition. Pending the said petition, one of the legal heirs, namely, B.Arumugam died on 01.11.2017, for which, the petitioners have filed another petition in W.P.(MD)No.9497 of 2020 to implead the legal heirs of B.Arumugam as respondents 8 and 9 in this writ petition. Learned counsel Mr.J.Barathan, who is representing the deceased B.Arumugam, submits that he is not having instructions from the legal heirs of B.Arumugam. He further submits that the subject property is vested with the deceased B.Arumugam and



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therefore, the legal heirs of the deceased B.Arumugam are having right to contest this case.

4. The learned Additional Government Pleader appearing for the respondents 1 to 4 submits that the land in Survey No.11/5 of Kondakai Village, Manamadurai Taluk, is classified as “Kondakai Kanmoi” and the order impugned in this writ petition is not available in the office. Therefore, he raised a doubt with regard to the genuineness of the document impugned in this writ petition.

5. The learned Additional Government Pleader, by relying on the provisions under Section 14A of the Act 26/1948 submits that in respect of water body, patta cannot be issued in favour of any persons. Therefore, the claim of the petitioners, pursuant to the patta which has been issued in favour of the first petitioner's father Jegannatha Iyer, by the Additional Assistant Settlement Officer, by order dated 30.05.1967 is in dispute.



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WEB COPY 6. This Court considered the rival submissions and perused the materials available on record.

7. According to the petitioner, the Special Commissioner and Commissioner of Land, Chepauk, Chennai, by his letter dated 20.10.2003, has already issued a direction to the District Revenue Officer, Sivagangai to make necessary changes in the revenue records as per the order of the Additional Assistant Settlement Officer Madurai dated 30.05.1967.

8. Therefore, this writ petition is disposed of with liberty to the petitioners to submit a fresh representation, by enclosing the relevant documents with the copy of the order of the Additional Assistant Settlement Officer, Madurai, dated 30.05.1967, before the District Revenue Officer, Sivangangi, within a period of two weeks from the date of receipt of a copy of this order. In the event of filing any such



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representation, the District Revenue Officer, Sivagangai, shall conduct an enquiry by providing an opportunity of hearing to the legal heirs of the deceased B.Arumugam, consider the petitioners' documents, the orders issued by the Additional Assistant Settlement Officer, Madurai, dated 30.05.1967 and also by considering the revenue records, shall take a decision, on merits and in accordance with law, within a period of six months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

16.10.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

1. The District Revenue Officer,
Sivagangai,
Sivagangai District.



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2. The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

3. The Tahsildar,
Thirupathur Taluk,
Sivagangai District.

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