



W.P.(MD).No.10934 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2023

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD).No.10934 of 2013

and

M.P.(MD).No.1 of 2013

Vanajothi

... Petitioner

Vs.

1.The District Revenue Officer,
Sivagangai District.

2.S.Anthony

3.K.Anthony albert

4.S.Samikannu

5.S.Adaikala Mary

6.S.Babu

...Respondents

*(R-6 impleaded vide Court order dated 06.08.2014 in M.P.(MD).No.2 of 2013
in W.P.(MD).No.10934 of 2013)*

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the first respondent in



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ref.Pa.Mu.B4-26608-2012 dated 18.04.2013 and quash the same and consequently direct the 1st respondent and his subordinates to restore the patta for the Survey No.297/1 in Periya Narikkottai Hamlet, Kollangudi Group, Sivagangai Taluk, Sivagangai District, admeasuring 3 acres 52 cents in favour of the petitioner within a reasonable time.

For Petitioner	: Mr.S.Srinivasa Raghavan
For R-1	: Mrs.D.Farjana Ghoushia, Special Government Pleader.
For R-2 to R-5	: Mr.S.Anwar Sameem
For R-6	: Mr.G.Mohan Kumar

ORDER

The Writ Petition has been filed challenging the order of the first respondent dated 18.04.2013 and consequently direct the 1st respondent and his subordinates to restore the patta for the Survey No.297/1 in Periya Narikkottai Hamlet, Kollangudi Group, Sivagangai Taluk, Sivagangai District, admeasuring 3 acres 52 cents in favour of the petitioner within a reasonable time.

2. The issue involved in this Writ Petition is with regard to the right of holding patta in respect of Survey No.297/1, Periya Narikkottai Hamlet, Kollangudi Group, Sivagangai Taluk, Sivagangai District. It is admitted that



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the petitioner and the respondents 2 to 6 are all legal heirs of one P.A.Soosai Udayar. The claim of the petitioner is that one Michael Ammal was orally settled with the property by P.S.M.Soosai Udayar and she being the aunt of the petitioner had given consent for transfer of patta in her name and thereafter by way of settlement in favour of the petitioner's son, the patta was issued in favour of her son. The case of the private respondents is that as early as in the year 1966, patta was transferred from the name of P.S.M.Soosai Udayar in favour of P.A.Soosai Udayar, who is the grand father of the petitioner and the respondents 2 to 6.

3. The learned counsel for the respondents 2 to 6 would submit that they have inherited the property from their father Santhanam Udayar, who is the son of P.A.Soosai Udayar.

4. The petitioner and the respondents 2 to 6 claim title to the property through two different sources. When such being the position, the revenue authority ought not to have ventured into the dispute and should have referred the parties to the Civil Court in view of the judgment of the Hon'ble Division Bench of this Court in the case of of ***Kuppuswami Nainar Vs. The District***



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Revenue Officer, Thiruvannamalai and others reported in ***(1995) 1 MLJ 426.***

Hence, the impugned order passed by the first respondent shall be kept in abeyance till the parties redress their grievances through appropriate Civil Court.

5. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

10.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm

To

The District Revenue Officer,
Sivagangai District.



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K.KUMARESH BABU, J.

Lm

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