



W.P(MD)No.11997 of 2013

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.11997 of 2013 and
MP(MD) Nos.1 & 2 of 2013

K. Adhikari

... Petitioner

Vs

- 1.The District Collector,
Theni District, Theni.
- 2.The Revenue Divisional Officer,
Periyakulam,
Theni District.
- 3.The Tahsildar,
Theni Taluk,
Theni District.
- 4.The Zonal Deputy Tahsildar,
Theni.
- 5.The Revenue Inspector,
Theni.
- 6.The Village Administrative Officer,
Unchampatti, Theni Taluk,
Theni District.
7. Janakiraman



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8. Karthick Pandi

9. Paster Johnson Paul

...Respondents

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 pertaining to the impugned order passed by the 4th respondent in RTR 136/2007, dated 06.02.2007 and the consequential order in No.Nil, dated 15.07.2013 including the name of the 9th respondent in the patta for S.No.963/4, Unchampatti Village, Theni Taluk, quash the same and direct the respondents 3 and 4 to include all the legal heirs of Iyer Thevar in the patta for S.No.963/4, Unchampatti Village, Theni Taluk.

For Petitioner	: Mr.M.Saravanan
For R1 to R6	: Mr.M.Sarangan Additional Government Pleader
For R7 & R8	: Mr.P.Thiyagarajan
For R9	: Mr.R.Karunanithi

ORDER

This writ petition is filed as against the order passed by the Tahsildar, granting patta in favour of one Veerannan, the father of the respondents 7 & 8.



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2.The case of the petitioner is that the land in S.No. 963 /4 to an extent of 0.26.0 ares of Unchampatti Village, Theni Taluk belonged to the petitioner's grand father one Iyer Thevar. The said Iyer Thevar died on 01.05.1988, leaving behind his sons, namely, Mayandi @ Periyakalai, Kottaiyan @ Kottaichamy, Veerannan and Pandian. Kottaiyan @ Kottaichamy is the petitioner's father. However, Veerannan/one of the legal heirs of Iyer Thevar by projecting that he is the only legal heir of Iyer Thevar had fraudulently obtained a patta in his favour for the land in S.No. 963 /4. The learned counsel for the petitioner has produced the original patta, which stands in the name of Iyer Thevar for the land in S.No.963 /4 and also the legal heir certificate of the Iyer Thever issued by the Head Quarters Deputy Tahsildar, Theni in D.Dis.No. 7000/12/A12, dated 07.08.2012 and submitted that the petitioner's father Kottaichamy is also the legal heir of Iyer Thevar. However, by projecting that Veerannan alone is the legal heir of Iyer Thevar, the patta has been transferred.



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3.The learned counsel for the respondents 7 & 8 submits that this property in S.No.963/4 has been allotted to Veeranan by way of an oral partition. Therefore, the contention of this petitioner that the patta has been fraudulently obtained is not correct. The learned counsel further submits that based on this patta the land has been sold to the ninth respondent.

4.The learned Additional Government Pleader appearing for the official respondents submits that with regard to the another property of Veeranan in S.No.153/2B, the Revenue Divisional Officer is conducting an enquiry, based on the application filed by the legal heirs of Veeranan. However, the enquiry has not been concluded in view of the pendency of this writ petition as well as the another writ petition in WP(MD)No.1451 of 2015, which was filed by the petitioner herein.

5.This Court considered the rival submissions made by either side counsel.



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6. Admittedly, the property in S.No.963 /4 to an extent of 0.26.0 ares of Unchampatti Village, Theni belonged to one Iyer Thevar. He died in the year 1988 leaving behind his sons, namely, Mayandi @ Periyakalai, Kottaiyan @ Kottaichamy, Veerannan and Pandian. The petitioner is the son of Kottaiyan @ Kottaichamy. The respondents 7 & 8 are the sons of Veerannan. On 05.02.2007, the said Veerannan has submitted an application for transfer of patta for the subject property in his name projecting that he is the only legal heir of Iyer Thevar, based on which, patta has been transferred in the name of Veerannan. The petitioner has placed the original patta, which stands in the name of Iyer Thevar and has also placed the legal heir certificate of Iyer Thevar issued by the Tahsildar. As per the legal heir certificate dated 07.08.2012, Ayyathevar is having four sons namely, Mayandi @ Periyakalai, Kottaiyan @ Kottaichamy, Veerannan and Pandian.



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7.In view of the above, the impugned order is set aside.

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The matter is remitted back for a fresh consideration by the Tahsildar. The Tahsildar shall issue a notice to all the legal heirs of Iyer Thevar and take a decision within a period of six months from the date of receipt of a copy of this order. The petitioner is also permitted to file a fresh application for grant of patta along with the details by mentioning the share and legal heirs of Iyer Thevar within a period of one week.

8.With the above directions, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

11.10.2023

NCC: Yes/No
Index:Yes/No
Internet:Yes
vrn



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B.PUGALENDHI, J.

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W.P(MD)No.11997 of 2013 and
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