



W.P(MD)No.1219 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1219 of 2013

and

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

A.R.V.Ramachandran (Deceased)

1.J.Vasanthi

2.M.Sheela Priya

3.A.Abarna

(P1 to P3 are substituted vide order dated
04.07.2023 in W.M.P.(MD)No.4081/2023)

... Petitioners

Vs.

1.The Revenue Divisional Officer,
Virudhunagar-626 003.

2.The Head Quarters Deputy Tahsildar,
Virudhunagar-626 003.

3.Govindaraj

4.Chandramohan

5.Rajendran

6.Vadivel

7.Devarajan



W.P(MD)No.1219 of 2013

8.G.Vijayalakshmi

9.G.Janarthanan

10.A.R.V.Jeganathan

(R10 is impleaded vide order dated 02.01.2023
in M.P.(MD)No.1 of 2014)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings in Memo In O. Mu./A4/3485/2012 dated 10.09.2012 on the file of the second respondent herein confirming the issue of Patta No.692 dated 25.07.2012 and to quash the same in so far it related to Survey No.218/2 and 229/1 are concerned and direct the respondents 1 and 2 herein to restore the Patta No.412 and issue a computerised patta in the name of the petitioner pertaining to the lands bearing Survey No.218/2 to an extent of 0.01.5 Hectares corresponding to the extent of 0.04 cents and Survey No.229/1 to an extent of 0.24.5 Ares corresponding to 0.61 cents both situated in Puliyankulam Village, Virudhunagar Taluk and District.

For Petitioners : Mrs.P.Jessi Jeeva Priya

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader for R1 & R2

: Mr.S.Parthasarathy for R4 to R7

: no appearance for R8 & R9

: Mr.K.Hemakarthykeyan for R10.



W.P(MD)No.1219 of 2013

WEB COPY

ORDER

Heard the learned counsel on either side.

2. The original writ petitioner felt aggrieved by mutation of patta in favour of the contesting private respondents made on the strength of the sale deed dated 18.08.2006 executed by one Vijaya Lakshmi and Janarthanan. The said Vijaya Lakshmi is none other than the sister-in-law of the original writ petitioner. The petitioner's case is that earlier position should be restored. The petitioner's request was negated by the Tahsildar, Virudhunagar by issuing the impugned memorandum dated 10.09.2012. The Tahsildar, Virudhunagar informed the original writ petitioner that since cases are pending before the civil court as well as the Anti Land Grabbing Cell, based on their eventual outcome, this position will be changed. The impugned memorandum is put to challenge in this writ petition. During the pendency of the writ petition, the original writ petitioner Ramachandran passed away and the persons who claim to be his legatees have come on record.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for.

4. The subject matter of this writ petition are properties comprised in



W.P(MD)No.1219 of 2013

Survey Nos.218/2 & 229/1 in Puliyankulam Village. The revenue record reflected the name of Soundaravalli Ammal alone. The contesting respondents have purchased the properties only from one of the legal heirs of the deceased Venkitasamy Naicker who was one of the sons of Soundaravalli Ammal. I am not swayed by the submission of the learned counsel appearing for the writ petitioner. As rightly pointed out by the learned counsel appearing for the contesting respondents, even in the affidavit filed in support of the writ petition, it has been admitted that the petition mentioned properties were purchased under the sale deed dated 12.03.1971 in the name of A.R.V.Govindaraj. It is not in dispute that the vendors of the contesting respondents namely Vijaya Lakshmi and Janarthanan are the legal heirs of Govindarajan. Govindarajan is no more. The petitioner would claim that the property was purchased by nominally in his name and out of the income from the joint family properties of which Venkitasamy Naicker was the kartha. But then, this claim has to be necessarily established only before the civil court.

5. The learned counsel appearing for the contesting respondents would point out that O.S.No.128 of 2010 on the file of the District Munsif Court, Virudhunagar filed in this regard had abated as early as on 05.08.2011 itself.

6. In these circumstances, when the contesting respondents trace their title to a sale deed standing in the name of Govindaraj, the question of granting



W.P(MD)No.1219 of 2013

relief in this writ petition does not arise.

WEB COPY

7. The Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

11.09.2023

Index : Yes / No
Internet : Yes/ No
rmi

To

1.The Revenue Divisional Officer,
Virudhunagar-626 003.

2.The Head Quarters Deputy Tahsildar,
Virudhunagar-626 003.



WEB COPY



W.P(MD)No.1219 of 2013

G.R.SWAMINATHAN, J.

rmi

W.P(MD)No.1219 of 2013

11.09.2023