



W.P(MD)No.15834 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2023

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.15834 of 2012  
and  
M.P.(MD)Nos.1 & 2 of 2012

A.R.V.Jegadeesan (deceased sole petitioner)

1.J.Vasanthi

2.M.Sheela Priya

3.A.Abarna

(P1 to P3 are substituted vide order  
dated 02.01.2023)

... 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



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8.Andalammal

9.A.R.V.Jeganathan

(R9 is impleaded vide order dated 02.01.2023  
in M.P.(MD)No.2 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 C.NO. 80251/12 dated 24.07.2012 on the file of the second respondent herein for Patta No. 287 in favour of the respondents 3 to 8 and to quash the same and direct the second respondent to issue a computerized patta in the name of the petitioner pertaining to the land bearing Survey No. 108/3 , to an extent of 2.96.5 Hectares in Thathampatti village, Virudhunagar Taluk and District within a time frame as may be fixed by this Court.

For Petitioners : Mrs.P.Jessi Jeeva Priya  
for M.G.Aravindhan

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

: Mr.S.Parthasarathy for R4 to R7

: Mr.S.Kadarkarai for R8

: Mr.K.Hemakarhikeyan for R9 & R10.

### **ORDER**

Heard the learned counsel on either side.

2. The petition mentioned properties stood in the names of Soundaravalli Ammal and Andalammal. Soundaravalli Ammal was blessed with five sons and



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three daughters. The writ petitioner A.R.V.Jegadeesan was one of the sons.

The contesting respondents namely R3 to R7 purchased the petition mentioned lands from Vijaya Lakshmi and Janarthanan legal heirs of Govindarajan/another son of Soundaravalli Ammal. The sale deed dated 18.08.2006 was executed by the said Vijaya Lakshmi and Janarthanan in favour of R3 to R7. Based on the same, patta was mutated in favour of R3 to R7. Challenging the same, the present writ petition came to be filed. During the pendency of the writ petition, the writ petitioner passed away and his legal heirs have been brought on record.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit and called upon this Court to grant relief as prayed for. The learned counsel appearing for R8 & R9 supported the stand taken by the writ petitioners.

4. R3 appears to be no more. The learned counsel appearing for R4 to R7 strongly opposed the writ prayer. He pointed out that the writ petition cannot be filed against a mere patta. He also would point out that even before filing the present writ petition, Jegadeesan had already filed civil suits which were renumbered as O.S.Nos.16 of 2017 & 176 of 2009 on the file of the District Musif Court, Sattur raising the issue now projected in this writ petition. Both the suits were dismissed as abated in the year 2017 and they have not been restored to file till date. His further contention is that the property in question



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was allotted to the share of Govindarajan and that therefore, the title of the contesting respondents is beyond dispute. In any event, the writ petitioners having chosen to pursue the civil remedy cannot change horse midstream and seek relief in the writ petition. He pressed for dismissal of the writ petition.

5. I carefully considered the rival contentions and went through the materials on record. I must at the outset observe that each and every contention of the learned counsel appearing for the contesting respondents has considerable substance and merit. A writ of certiorari cannot be filed against mere patta. The writ petitioners ought to have invoked the provisions of RTI Act and obtained copy of the proceedings whereby mutation was made. Such proceedings are amenable to challenge in a writ of certiorari. A mere patta cannot be questioned. It is equally true that the writ petition was filed only in the year 2012. Even before coming to the writ Court, Thiru.Jagadeesan had already filed civil suits. In the civil suits, Jagadeesan had sought the relief of declaration and permanent injunction. The sale made in favour of Govindarajan and others was specifically impeached in the plaint averments. Therefore, I cannot casually reject the contention advanced by the learned counsel appearing for the contesting respondents.

6. However, one aspect of the matter has to be taken note of. The revenue authorities were not impleaded as defendants in the civil suits. In view



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of the contentions raised by the learned counsel appearing for the contesting respondents, I must make it clear that I am not going into the title of the parties.

The only question that calls for consideration is whether the jurisdictional Tahsildar was justified in issuing patta in favour of the contesting respondents on the strength of the sale deed dated 18.08.2006 executed by Vijaya Lakshmi and Janarthanan/legal heir of Govindarajan who was one of the sons of Soundaravalli Ammal. The action of the authorities can be justified if the vendors of the contesting respondents had patta in their names. That is not the case. The revenue record reflected the names of Soundaravalli Ammal and Andalammal. Therefore, before making any such mutation, all the legal heirs of Soundaravalli Ammal and children of Andalammal should have been put on notice. It is stated that Andalammal is very much alive. Since there is a patent and clear breach of the principles of natural justice, I hold that the action of the revenue authorities was clearly illegal.

7. I therefore direct the concerned respondents to restore the position that originally prevailed. In other words, the revenue record in respect of the petition mentioned land shall continue to reflect the names of Soundaravalli Ammal and Andalammal. The parties will work out their respective rights before the jurisdictional civil Court in the manner known to law. I reiterate that I have not gone into the issue of title or possession of the parties.



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**G.R.SWAMINATHAN, J.**

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8. The Writ Petition is allowed on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

**11.09.2023**

Index : Yes / No

Internet : Yes/ No

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To

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

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

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