



W.P.(MD) No.4744 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2023

CORAM

THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.4744 of 2020

Saharban Begum

... Petitioner

/vs./

1.The District Collector,
Pudukottai,
Pudukottai District.

2.The District Revenue Officer,
Pudukottai.

3.The Tahsildar,
Alangudi Taluk Office,
Pudukottai District.

4.The Head Surveyor,
Alangudi Taluk Office,
Pudukkottai.

5.Lakshmanan

6.Rajamohamed
*(Cause title has been amended vide
order dated 16.12.2020 and also R6
has been impleaded vide order dated
22.01.2021)*

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1 to 4 respondents to cancel the name of the 5th respondent from the revenue records in respect of survey No. 225/3B2 situated at Nathampanni Village, Pudukottai District by including the petitioner's name and consequently to survey and measure the property on the basis of the petitioner's representations dated 07.02.2020 and 11.02.2020 within the time stipulated by this Court.

For Petitioner : Mr.J.Vishnu

For R1 to R4 : Mr.D.Ghandiraj
Special Government Pleader

For R6 : Mr.D.Rameshkumar

ORDER

The above writ petition has been filed for the issue of a Writ of Mandamus directing the respondents 1 to 4 to cancel the name of the fifth respondent from the revenue records in respect of the property in S.No.225/3B2 at Nathampanni Village, Pudukottai District by including the petitioner's name and consequently to survey and measure the property on the basis of the petitioner's representations dated 07.02.2020 and 11.02.2020.



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2.The petitioner's case is that she is the absolute owner of the above mentioned properties and she has been in possession and enjoyment of the same for so many years. Recently when she was checking the encumbrance, she found that the name of the fifth respondent had been wrongly included as the owner. Despite such an entry, she would contend that she is the owner of the property and is in possession of the same. Therefore, she had given representations to the respondents 1 to 3 on 07.02.2020 and 11.02.2020 calling upon them to explain as to how the error had occurred in the revenue records and had requested them to conduct a proper enquiry. However, there has been no response to the same. Hence, the above writ petition.

3.The sixth respondent has filed a counter affidavit, in which he has stated that the petitioner has already filed a suit O.S.No.370 of 2019 on the file of the Principal Subordinate Court, Pudukkottai, for declaration and permanent injunction in respect of the above property and this fact has been suppressed by the petitioner. This submission has been reiterated by the learned Special Government Pleader appearing for the respondents 1 to 4.



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4.Considering the fact that the petitioner has already moved the civil Court for declaring her title to the property and for the consequential injunction, the petitioner cannot ride two horses by initiating proceedings before different forum. The parties have to workout their right in the above suit and thereafter approach the authority concerned for mutating the revenue records.

5.In the light of the above, the Writ Petition is dismissed. However, there shall be no order as to costs.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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17.04.2023

To

- 1.The District Collector,
Pudukottai,
Pudukottai District.
- 2.The District Revenue Officer,
Pudukottai.



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3.The Tahsildar,
Alangudi Taluk Office,
Pudukottai District.

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P.T.ASHA, J.

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