



W.P.(MD) No.7421 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.7421 of 2020

and

W.M.P.(MD) Nos.6874, 6876 and 6877 of 2020

P.Chidambaram

.. Petitioner

Vs.

- 1.State of Tamil Nadu,
Rep., by its Principal Secretary &
Commissioner,
Chepauk, Chennai.
- 2.The Inspector General of Registration,
Santhome,
Chennai.
- 3.District Revenue Officer,
Sivagangai District.

4.Arumugan

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari to call for the records of the third respondent by his proceedings No.Ka.No.B4/5846/2020 dated 04.06.2020 and quash the same.



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For Petitioner : Mr.K.P.S.Palanivel Rajan
Senior Counsel
assisted by Mr.Prabakaran

For RR1 & 3 : Mr.A.Sivanupandian
Government Advocate

For R2 : Mr.T.Amjadkhan
Government Advocate

For R4 : Mr.AP.Muthupandian

ORDER

This writ petition is filed for the issue of a Writ of Certiorari to call for the records of the third respondent by his proceedings in No.Ka.No.B4/5846/2020 dated 04.06.2020 and quash the same.

2. It is the case of the petitioner that his great grandfather had purchased land in the year 1926 under a registered sale deed and was holding patta in respect of the same. These lands are comprised in S.Nos.13/1, 13/3A, 13/3B, 84/3A, 13/3C and 84/5. The patta was transferred in the name of Meenakshi Achi, Palaniappa Chettiar and Ramanathan Chettiar. Thereafter, in the year 1952, patta was issued in



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the name of Muthiah Chettiar by the Settlement Officer without any basis. On coming to know of the same, the petitioner immediately approached the District Revenue Officer, Sivagangai, based on the Government Order to set right the patta. The legal heirs of Muthiah Chettiar had preferred a civil suit in O.S.No.209 of 2013 and filed W.P.(MD) No.16623 of 2016, wherein this Court had granted an order of *status quo*, since a writ petition in W.P.(MD) No.14968 of 2014 has been filed by the fourth respondent against the order of the third respondent dated 30.10.2013 rejecting the request for patta in respect of the same survey number. Ultimately, both the writ petitions were taken up for disposal on 18.10.2019 and the Court held that the third respondent had no jurisdiction by virtue of G.O.No.385 (Revenue Department), dated 17.08.2004 to take up the proceedings initiated by the petitioner challenging the patta, since the appeal would only lie to the Tribunal. The parties were therefore, directed to approach the civil Court. The petitioner would further submit that apart from O.S.No.209 of 2013, two other suits in O.S.No.38 of 2013 on the file of the Sub Court, Sivagangai and O.S.No.133 of 2014 on the file of the District Munsif Court,



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Sivagangai were pending in respect of the very same properties. That apart, the petitioner also filed review application before the first respondent on 16.10.2019 and all of these proceedings were pending. While so, the third respondent who had received a report from the Tahsildar, without issuing notice to the petitioner has conducted an enquiry and passed the impugned order in and by which the third respondent while quoting the order of this Court in W.P.(MD) Nos.14968 of 2014 and 16623 of 2016 had proceeded to cancel the order dated 30.10.2013 and restored the patta back to its original state. Challenging the same, the petitioner is before this Court.

3. Heard the learned counsel appearing for the parties.

4. Having taken note of the order of this Court that the third respondent did not have the jurisdiction to entertain the petition for mutation of revenue records/its correction, the third respondent has exceeded his jurisdiction by cancelling the order and reverting the revenue records to the original name. Therefore, this Writ Petition is



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allowed and the impugned order is set aside. No costs. Consequently, connected miscellaneous petitions are closed.

26.04.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr

To

- 1.The Principal Secretary & Commissioner,
State of Tamil Nadu,
Chepauk, Chennai.
- 2.The Inspector General of Registration,
Santhome,
Chennai.
- 3.District Revenue Officer,
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P.T.ASHA, J.

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