



W.P(MD)No.7447 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2023

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.7447 of 2023
and
W.M.P(MD)No.6971 of 2023

Karuppaiah

... Petitioner

Vs.

1.The District Revenue Officer,
Sivagangai District,
Sivagangai.

2.The Tashildar,
Karaikudi Taluk,
Sivagangai District.

3.Vimala

4.Muthuramalingam

5.Subramanian

6.Pandiyan

7.Vijayan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the first respondent to cancel of patta No.458 in Survey Number 42/13 situated at Illuppakudi Village,



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Karaikudi Taluk, Sivagangai District and direct the second respondent to issuance patta in favour of the petitioner.

For Petitioner : Mr.A.Vadivel

For R1 & R2 : Mr.N.Muthu Vijayan
Special Government Pleader

For R3 to R7 : Mr.P.Mahendiran

ORDER

The writ petition has been filed in the nature of mandamus seeking a direction to the first respondent / the District Revenue Officer, Sivagangai District, Sivagangai, to cancel patta No.458 in Survey No.42/13 at Illuppakudi Village, Karaikudi Taluk, Sivagangai District and direct the second respondent to grant patta in favour of the petitioner.

2. In the affidavit filed in support of the writ petition, it was stated that the petitioner Karuppaiah, S/o.Packiyam, had been residing at Pudhukudiyiruppu, Iluppakudi post, Karaikudi Taluk, Sivagangai District and had also constructed a house in IAY scheme in 1996 in the land at Survey No. 42/13, Door Number of the house is 3/925. The petitioner claims that he had been in possession for 40 years. He also claims that he had paid house tax. It



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had been stated that the respondents 3 to 7 were trying to interfere with possession and therefore, the petitioner had sought information under the Right to Information Act and had obtained information that the patta with respect to the above land was granted to Padmasini. It is seen that in the affidavit, the name had been consequently mentioned as Padmakani. The petitioner had therefore, filed an appeal before the first respondent / the District Revenue Officer, Sivagangai District, Sivagangai, to cancel the patta. It is claimed that since the husband of the said Padmasini was a Government servant, she was not entitled for grant of assignment patta. It is under these circumstances, the present writ petition has been filed.

3. The writ petitioner had also placed reliance on G.O.No.385, Revenue (Public-3) Department dated 17.08.2004, by which provision, he had filed the appeal before the first respondent. This Court had directed that the petitioner or the respondents 3 to 7 should produce records to show that they are either directly or indirectly related to the said Padmasini. The petitioner did not have any such records.

4. The learned counsel appearing on behalf of the respondents 3 to 7, however produced the following documents:



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a) The death certificate of Padmasini which reflected that she died on 07.05.1996 and that the name of her husband was M.Shankaran Pillai.

b) the patta in the name of Shankaran Pillai, for the land in Survey No. 42/13. In the said patta, it has also been given that the family members of Shankaran pillar are Jeeva, Chockalingam, Ravindran, Sivagnanam, Ilangovan and Tmt.Ramathilagam.

c) the death certificate of Jeeva who had died on 21.08.1988, the name of the father is given as Shankaran Pillai.

d) the Legal heir certificate of Jeeva in which the name of the legal heirs are Tmt.J.Vimala, J.Muthuramalingam, J.Subramanian, J.Pandian, J.Vijayan, J.Sankari. The respondents 3 to 7 herein are the said individuals except J.Sankari who is a married daughter.

5. The learned Special Government Pleader appearing on behalf of respondents 1 and 2, produced the following documents:

a) The extract of the UDR ' A' Register, in which for the aforementioned land in the survey number 42/13, the name of Padmasini is shows.

b) Iluppakudi Village Account wherein again for the said land, the name of J.Padmasini is given.



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c) The FMB sketch giving the location of the aforementioned land

d) The extract of the computerised 'A' Register were again the name of A.Padmasiri is given.

e) A copy of the Chitta where again the name of Padmasini W/o.Shankaran Pillai is given.

f) The 'A' Register with specific reference to Survey No.42/108, which is a different land in which it is given as Sigappi W/o. Karuppaiah which must be mentioned that Karuppaiah is the writ petitioner herein.

g) The picture of the house of the petitioner is also given.

6. It is thus seen that the respondents 3 to 7 have produced documents to a little extent giving a direct connection with Padmasini. It is also seen that the wife of the petitioner Sigappi has lands at Survey No.42/108.

7. In view of these facts, since it is evident that the facts are to be examined and the documents produced are seriously questioned, it is appropriate that the parties should approach the civil Court for appropriate relief. A mandamus to cancel the patta cannot be issued but if either one of the two parties approach the civil Court I am confident that the documents produced would be tested in accordance with law and necessary relief would be granted by the competent civil Court.



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19.06.2023

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

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To

1.The District Revenue Officer,
Sivagangai District,
Sivagangai.

2.The Tashildar,
Karaikudi Taluk,
Sivagangai District.



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