



WP(MD)No.9152/2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2023

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

WP(MD)No.9152/2020 &
WMP(MD)No.8370/2020

1.R.Kothandaraman

2.K.Alagupandi

... Petitioners

Vs.

1.The District Revenue Officer,
Tirunelveli District, Tirunelveli.

2.The Revenue Divisional Officer,
Tirunelveli Division,
Tirunelveli.

3.The Tahsildar,
Manur Taluk,
Tirunelveli District.

4.M.Perumal

5.Subbiah Thevar

6.Irulappasamy

7.Mariselvam

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus calling for the records relating to the impugned order passed by the first respondent in Chee.Ma.Aa.2/08/2018 dated 12.03.2020 and quash the same and further direct the respondents 1 to 3 to include the names of the petitioners in patta no. 3186 for the petitioners' property in S.No.1203/1 and 1203/3 admeasuring 0.73.5 and 0.17.0 Hectares respectively situated at Piranchery Village, Manur Taluk, Tirunelveli District.

For Petitioners : Mr.T.Selvan

For Respondents : Mr.A.Sivanupandian,
Government Advocate
for R1 to R3

No appearance for R5 to R7

ORDER

The above writ petition has been filed to quash the order of the first respondent dated 12.03.2020 in Chee.Ma.Aa.2/08/2018 and also to direct the respondents 1 to 3 to include the names of the petitioners in patta no.3186 for their property in S.Nos.1203/1 and 1203/3 admeasuring 0.73.5 and 0.17.0 Hectares respectively situated at Piranchery Village, Manur Taluk, Tirunelveli District.



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2.1. It is the case of the petitioners that the land in S.Nos.1203/1 and 1203/3 admeasuring 0.73.5 and 0.17.0 Hectares respectively situated at Piranchery Village, Manur Taluk, Tirunelveli District originally belonged to one Subbian. Subbian's name has been registered in the Re-settlement Register in Patta no.57 in the year 1899. The petitioners' ancestor Nallakannu Thevar and his sons were cultivating tenants under Subbian. After the enactment of Inam Abolition Act, patta was granted to the sons of Nallakannu Thevar namely, Thadiveeran and Andi and their names were registered in the Re-settlement Register under Patta No.168 in the year 1926. Thereafter, by virtue of settlement deeds dated 12.03.2013 and 06.03.2013, the petitioners names were included in Patta No.3186 in respect of their 1/3rd share in the property respectively vide order of the third respondent dated 18.09.2013. Therefore, it is the case of the petitioners that for over 100 years they and their predecessors were in possession and enjoyment of the property.

2.2. While so, the third respondent appears to have wrongly included the names of the respondents 4 to 7 in Patta No.3186 and



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therefore, the second petitioner had approached the second respondent to delete those names and restore the patta to its original state. However, after considering the representation of the second petitioner, the second respondent has removed the names of the petitioners themselves from Patta No.3186 without issuing notice or giving an opportunity of hearing to them. Aggrieved by the same, the petitioners have preferred separate revisions before the first respondent. By order dated 12.03.2020, the first respondent had dismissed the revision petitions, confirming the order of the second respondent. Aggrieved by the same, the petitioners are before this Court.

3. Heard the learned counsels on either side

4. A reading of the impugned order clearly demonstrates that the petitioners have not produced any document to show as to how, they claim right to the suit property. Their title to the property has also been questioned. In these circumstances, unless the petitioners establish their independent right to the property, they cannot seek to have the names of



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the respondents 4 to 7 removed from the patta, particularly when, it is only a joint patta that has been granted to them. I therefore see no reasons to interfere with the order passed by the first respondent. Accordingly, the writ petition is dismissed. It is needless to state that if the petitioners are able to prove their right to the property, the respondents 1 to 3 shall consider the same and pass orders. No costs. Consequently, the connected Miscellaneous Petition is closed.

29.03.2023

NCC:Yes/No
Index:Yes/No
Speaking/Non-speaking order

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To

- 1.The District Revenue Officer,
Tirunelveli District, Tirunelveli.
- 2.The Revenue Divisional Officer,
Tirunelveli Division,
Tirunelveli.
- 3.The Tahsildar,
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P.T.ASHA, J.

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