



WP(MD)No.8128 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.(MD)No.8128 of 2023

1.Jesu antony

2.Siluvai Antony

... Petitioners

Vs.

1.The District Collector,
Tiruneveli District,Tirunelveli.

2.The District Revenue Officer,
Tirunelveli District, Tirunelveli.

3.The Revenue Divisional Officer,
Cheranmahadevi Division,
Cheranmahadevi,
Tirunelveli District.

4. The Tahsildar,
Radhapuram Circle,
Radhapuram,
Tirunelveli District.

5.Jayamary

... Respondents

(After reassigning the respondents 2 and 3 as the respondents 3 and 4, the District Revenue Officer is *suo motu* impleaded as the 2nd respondent in this Writ Petition and the 4th respondent is reassigned as fifth respondent by this order)



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus directing the 2nd respondent to cancel the patta vide patta No.5743 having being issued to the 4th respondent including the petitioners property of ½ cents along with their property measuring to 3 cents bearing Survey No.464/38 at Madha Kovil Street, Radhapuram, Tirunelveli District and subsequently issue fresh patta to the petitioners including the said ½ cents to the petitioners property in Survey No.464/39-A, 39-B situated at Madha Kovil Street, Radhapuram, Tirunelveli District forthwith.

For Petitioners	: Mr.S.Palani Velayutham
For R1 to R3	: Mr.J.Ashok Additional Government Pleader
For R4	: Mr. J.Gunaseelan Muthiah

ORDER

This Writ Petition has been filed in the nature of writ of mandamus seeking a direction against the 2nd respondent, the Revenue Divisional Officer, Cheranmahadevi Division, Cheranmahadevi, Tirunelveli District, to cancel patta No.5743 issued to the 4th respondent.

2. It is claimed that the land of the petitioners measuring ½ cent has been included in the patta issued in favour of the fourth respondent along



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with the land measuring 3 cents, which belong to the fourth respondent in Survey No.464/38 at Madha Kovil Street, Radhapuram, Tirunelveli District.

The petitioners seek issuance of fresh patta to the petitioners by including ½ cent to the land of the petitioner in Survey No.464/39-A, 39-B also at Madha Kovil Street, Radhapuram, Tirunelveli District.

3. It is represented by the learned Additional Government Pleader that in this connection the third respondent, the Tahsildar, had forwarded the entire records to the District Revenue Officer at Tirunelveli for enquiry.

4. In view of that particular fact, it is only appropriate that the District Revenue Officer at Tirunelveli be impleaded as the respondent in this Writ Petition. The District Revenue Officer is *suo motu* impleaded as the second respondent. Consequently, the respondents 2 and 3/the Revenue Divisional Officer and the Tahsildar are re-assigned as the respondents 3 and 4 and the private respondent, Jayamary is re-assigned as the fifth respondent.

5. The Registry is directed to carry out the necessary amendment



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before issuing the order copy.

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6. Since the entire issue is pending on the file of the District Revenue Officer, Tirunelveli, the following directions are issued:

i) The District Revenue Officer, Tirunelveli District shall follow proper procedures and issue notice to the petitioners and also to the fifth respondent by name Jayamary and give them an opportunity of submitting documents and representation to the District Revenue Officer, Tirunelveli District;

ii) Since it is stated that the petitioners are the beneficiaries of a court decree whereby it had been decreed that the said ½ cent of land belongs to the petitioners herein, the said decree of the competent civil court shall be examined by the District Revenue Officer, Tirunelveli District;

iii) Since it is contended on behalf of the 5th respondent that the 5th respondent had obtained title by way of a sale deed, such document shall



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also be examined by the District Revenue Officer, Tirunelveli District;

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iv) After examining all the documents, decision shall be taken by the District Revenue Officer, Tirunelveli District, with regard to ½ cent, which is in dispute.

v) The entire exercise shall be completed on or before 30.09.2023.

7. With the above directions, this Writ Petition is disposed of. No costs.

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Index : Yes/No
Internet : Yes/No
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Tirunelveli.

3.The Revenue Divisional Officer,
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Cheranmahadevi,
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C.V.KARTHIKEYAN, J.

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