



W.P.(MD) No.10737 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.10737 of 2020

T.Poolammal

.. Petitioner

Vs.

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

2.The Revenue Divisional Officer,
Tirunelveli District.

3.T.Saroja

4.Vijayalakshmi

5.T.Ramakrishnan

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the first respondent in his proceedings in Ka2/C.M.No.06/2015 dated 15.06.2016 and quash the



W.P.(MD) No.10737 of 2020

same and consequently direct the first respondent to issue individual Patta in Survey Nos.180/1, 180/3 and 198/5 at Thenkalam Village, Tirunelveli District in the petitioner's name.

For Petitioner : Ms.M.Anbarasi
For RR1 & 2 : Mr.D.Ghandiraj
Special Government Pleader

ORDER

The petitioner has filed this writ petition seeking the issue of a Writ of Certiorarified Mandamus to quash the order of the first respondent dated 15.06.2016 and to consequentially direct the first respondent to issue an individual patta in the petitioner's name in respect of S.Nos.180/1, 180/3 and 198/5 of Thenkalam Village, Tirunelveli District.

2. It is the case of the petitioner that the properties comprised in the above survey numbers were her ancestral properties. During the UDR mutation, a wrong entry appears to have been made and Patta No.



W.P.(MD) No.10737 of 2020

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1573 was assigned to the petitioner. Originally, the patta stood in Patta No.71. When the UDR mutation of patta was done, it appears that third parties name were also included in the patta passbook viz., V.A.Thangam, and one Karuppan. Respondents 3 to 5 are the legal representatives of the said Thangam. Therefore, the petitioner had made an appeal to the second respondent to delete the names of these persons from the patta. The second respondent conducted an enquiry and passed an order dated 10.10.2014 allowing the appeal only with reference to the deletion of the name of Karuppan. However, the name of V.A.Thangam continued to be included.

3. The petitioner further submits that she had filed a police complaint against the said V.A.Thangam for having fraudulently created the documents and having got the same registered. Meanwhile, the said Thangam died two years back and therefore, the writ petition is filed against his legal representatives. A review petition was thereafter filed before the first respondent on 16.12.2014 and the same was not disposed of within time compelling the petitioner to file W.P.(MD) No.10586 of



W.P.(MD) No.10737 of 2020

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2015. By an order dated 26.06.2015, this Court directed the first respondent to dispose of the review petition within a period of six weeks. Thereafter, on 15.06.2016, the first respondent had passed an order rejecting the review petition against which the present writ petition is filed.

4. It is the case of the petitioner that the patta in respect of the property originally stood in the name of her ancestors and that the said Thangam had fraudulently got a document created, all of which had not been considered by the first respondent. She would submit that the order of the first respondent is the one that has been passed without application of mind. She would further contend that a proper enquiry in this regard had not been conducted. Therefore, seeks to have the impugned order set aside.

5. The learned Special Government Pleader had denied the contentions of the petitioner and stated that the petitioner has not produced any document whatsoever to show that she is the owner of the



W.P.(MD) No.10737 of 2020

property and that apart, since there are serious issue with regard to title, the first respondent has only directed the parties to approach the Civil Court.

6. Heard the learned counsel on either side.

7. The petitioner's case is that the said Thangam had fraudulently created a sale deed and claimed right to the property. A perusal of the sale deed, which has been filed in the typed set of papers, would show that the sale deed has been executed by the persons under whom the petitioner now claims as early as on 28.11.1994. The persons who have executed the sale deed are no more and during their life time, they have not questioned the sale deed. The documents that had been produced by the petitioner to show the death and legal heir ship certificate etc., are all been made ready after the year 2011. Admittedly, the sale deed has not been set aside to date in the manner known to law. Therefore, by virtue of the sale in his favour, the said Thangam has got the revenue records mutated in his name as well. The authorities below have taken note of



W.P.(MD) No.10737 of 2020

the above and rejected the request of the petitioner with reference to the deletion of the name of V.A.Thangam. Since there is serious issue of title involved, the petitioner has to approach the Civil Court as if her title declared as also to set aside the sale deed in favour of the said Thangam.

8. In the light of the above, I see no reason to allow the writ petition and consequently, this Writ Petition is dismissed however, without costs.

16.06.2023

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

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W.P.(MD) No.10737 of 2020

To

- 1.The District Revenue Officer,
Tirunelveli District,
Tirunelveli.
- 2.The Revenue Divisional Officer,
Tirunelveli District.



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W.P.(MD) No.10737 of 2020

P.T.ASHA, J.

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W.P.(MD) No.10737 of 2020

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