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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.11469 of 2020
and
W.M.P(MD)Nos.10019 & 10020 of 2020

Sudha Gunasekaran

... Petitioner

vs.

1. The District Collector,
District Collector's Office,
Tuticorin,
Tuticorin District.
2. The District Revenue Officer,
D.R.O.Office,
District Collector's Office,
Tuticorin,
Tuticorin District
3. The Revenue Divisional Officer,
R.D.O.Office,
Kovilpatti,
Tuticorin District.



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4. The Tahsildar,
Taluk Office,
Ottapidaram,
Tuticorin District.

5. G.K.Sezhian

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records relating to 3rd respondent proceedings made in Pa.Mu.A2/1376/2008 dated 23.12.2019 quash the same and further direct the 3rd respondent to refer the matter to Civil Court to decide the title.

For Petitioner : Mr.R.Sundar

For R-1 to R-4 : Mr.R.Suresh Kumar
Additional Government Pleader

For R-5 :Mr.G.Mohankumar

ORDER

This writ petition has been filed to quash the impugned order, dated 23.12.2019, passed by the 3rd respondent/the Revenue Divisional Officer.



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2. Heard Mr.R.Sundar, the Learned Counsel appearing for the petitioner, Mr.R.Suresh Kumar, the Learned Additional Government Pleader, appearing for the respondents 1 to 4 and Mr.G.Mohankumar the Learned Counsel appearing for the 5th respondent and perused the material documents available on record.

3. The 5th respondent has purchased the property from one Palpandi Nadar, who in turn had purchased from one Petchiammal, who in turn had purchased from the original owner namely Suvisesamuthu through a Document Old Zameen Survey No. 247 and new Survey R.S.No.314/4.

4. The petitioner has purchased 21 cents from larger extent of lands from one Ramachandran, who in turn has purchased from Jeyaram. The original owner is one Perumal and he was having Old Zameen Survey No.248 and New R.S.No.314/5 and 312/4. After the demise of Perumal, the legal heirs namely Petchiammal (wife) and Ramalingam (son). The said Petchiammal was holding 61 cents of lands and the rest of the land was acquired by government.



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5. Admittedly there are two different lands one in Old Zameen Survey No.247 and Old Zameen Survey No.248. In both the survey numbers for a brief period two different Petchiammal were holding the lands, one Petchiamml wife of Perumal and another Petchiammal wife of Annavi. And both were holding the lands to an extent of 61 cents. Based on same name and same extent of properties there was a confusion.

6. Further, it is seen from the records that already revision petition was filed by one Shanthi wife of Rameshkannan and one Indra and the same was dismissed. Against which they had filed Civil Suit in O.S.No.73 and 74 of 2023 and the same is pending.

7. Therefore, the appropriate remedy for the petitioner and the 5th respondent is to file suit and establish their rights. With this direction the writ petition is disposed of. Liberty is granted to the petitioner and the 5th respondent to file a suit and establish his rights. With these directions and observations, this



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Writ Petition is disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

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