



W.A.(MD) No.1511 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 23.11.2023

CORAM

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**
AND
THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

W.A.(MD) No.1511 of 2021
and C.M.P.(MD) No.6190 of 2021

Thiru.R.S.Gopalakrishnan ... Appellant/4th Respondent

-Vs.-

1.R.Muthuraman ... 1st Respondent/Writ Petitioner

2.The District Revenue Officer,
Pudukottai District,
Pudukottai.

3.The Revenue Divisional Officer,
Arathangi, Pudukottai District.

4.The Thasildar,
Taluk Office,
Aranthangi Taluk,
Pudukottai District.

... Respondents 2 to 4/1 to 3
Respondents

PRAYER:- Writ Appeal filed under Clause 15 of Letters Patent Act, to
set aside the order dated 19.02.2021 made in W.P.(MD)No.16649 of 2018
on the file of this Court.

For Appellant : Mr.VR.Shanmuganathan



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For Respondents : No appearance for R1

Mr.T.Amjadkhan
Government Advocate
For R2 to R4

J U D G M E N T

(Judgment of the Court was delivered by **V.LAKSHMINARAYANAN, J.**)

The present appeal arises against the order passed in W.P.(MD) No.16649 of 2018 dated 19.02.2021.

2. The relationship between the parties is not in dispute. The appellant is the son one R.Santhanakrishnan, his brother is one R.Muthuraman, who is the Writ Petitioner. The property which is the subject matter of dispute is in S.No.196/2, Aalapirathan Village, Aranthangi Taluk, measuring an extent of 66 cents.

3. Patta was granted in the name of the appellant's grand father Rajagopala Naidu. Thereafter, on 11.07.1997, it was mutated in favour of appellant's father R.Santhanakrishnan and for the remaining properties patta was granted in favour of the writ petitioner. The Writ petitioner, who is the first respondent before us approached the Tahsildar for the



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purpose of mutation. The fourth respondent Tahsildar mutated the patta in favour of the Writ Petitioner. The appellant, thereafter, approached the Tahildar and had it corrected to the original position.

4. Aggrieved by the correction of the Tahsildar, an appeal was preferred by the first respondent to the Revenue Divisional Officer, who allowed the appeal and directed recording the name of his name viz., R.Muthuraman in the revenue records. Challenging the same, the appellant filed an appeal before the District Revenue Officer, Pudukottai. The District Revenue Officer, Pudukkottai, allowed the revision and restored the patta in the name of the appellant.

5. Learned counsel for the appellant would submit that a second revision has also been preferred to the Commissioner of Land Administration at Chennai and the papers were returned as the second revision is not maintainable. Thereafter, challenging the order of the District Revenue Officer, Pudukottai, dated 23.03.2006, the Writ Petition was filed by the first respondent before this Court.



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6. The primary ground on which the Writ Petition was allowed was that the title of the writ petitioner had been declared in two proceedings viz., O.S.No.376 of 1991 on the file of District Munsif Court at Aranthangi and O.S.No.203 of 1997 on the file of the same Court. Learned Single Judge took note of the fact that there was a decree in favour of the first respondent and allowed the Writ Petition, directing restoration of the name of the first respondent / writ petitioner, in the revenue records to the aforesaid survey number.

7. Heard Mr.VR.Shanmuganathan, learned counsel for the appellant. The first respondent / contesting respondent, though served, has not entered appearance.

8. A perusal of the civil Court decrees would show that S.No. 196/2 of Aalapirathan Village, Aranthangi Taluk, was not a subject matter of the civil proceedings. There were several survey numbers, which were given, but S.No.196/2 is conspicuously absent as seen from the schedule of properties. Therefore, the order of the learned Single Judge stating that the first respondent is armed with the civil Court decrees is the erroneous. Therefore, since the learned Single Judge has allowed the



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Writ Petition only on that ground, we are constrained to interfere with the impugned order. Since the subject matter of this Writ Petition was not the subject matter of civil proceedings, the order of the District Revenue Officer has to be necessarily restored and accordingly, it is restored. This is because as early as on 11.07.1997, patta stood in the name of R.Santhanakrishnan, father of the writ appellant.

9. Consequently, the Writ Appeal is allowed and the order of the learned Single Judge dated 19.02.2021, made in W.P.(MD)No.16649 of 2018, is set aside and the Writ Petition stands dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

[S.M.S.J.] & [V.L.N.J.]
23.11.2023

NCC :Yes/No
Index :Yes/No
SJ

To

- 1.The District Revenue Officer,
Pudukottai District,
Pudukottai.
- 2.The Revenue Divisional Officer,
Arathangi, Pudukottai District.



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AND
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SJ

3.The Thasildar,
Taluk Office,
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