



W.P.(MD)No.15078 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.15078 of 2021

1.Sivasubramanian

2.Neelamegam

... Petitioners

Vs.

1.The District Revenue Officer,
Pudukottai District.

2.The Tahsildar,
Tirumayam Taluk,
Pudukottai District.

3.Subbiah Velar

4.Alagumeenal

5.Sethu Velar

6.Ramu Velar

7.Meyyappan Velar

8.Alagu Velar

9.Gurunthappan



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10.Guruntha Velar

11.Subbiah

12.Subbiah

13.Alagarsamy

14.Gurunthavelar

15.Meenakshiammal

16.Ganesha Velar

17.Chellakannu

18.Palaniyadi Servai

19.Veerassamy Velar

20.Sethu Servai

21.Chidambaram

22.Ramasamy Velar

23.Palaniappan

24.Arumugam

25.Alagappan

26.Mathialagan

27.Sethuraman

28.Alagi



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29.Tirunavukkarasu

30.Alagappan

31.Palanikumar

32.Gomathi

33.Rajalakshmi

34.Alaguraja

35.Alaguvelar

36.Ramasamy Velar

37.Ulaganathan

38.Ravichandran

39.Balamurugan

40.Rajamohammed

... 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 with order of the first respondent made in Ni.Mu/15921/2015 (T3) dated 05.02.2021 and quash the same as it is arbitrary and illegal and in consequence to direct the respondents 1 and 2 to cancel the patta wrongly given in the name of the respondents 3 to 40 to the petitioner's land in S.No.79 in Vanniulanthanvayal Village, Tirumayam Taluk, Pudukottai District and to issue patta to the same in the name of the petitioners.



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For Petitioner : Mr.R.Suriya Narayanan

For R-1 and R-2 : Mr.A.K.Manikkam,
Special Government Pleader

For R-4, R-13 : Mr.M.Thirunavukkarasu
R-16, R-18, R-22,
R-26, R-29, R-30,
R-31, R-35 and
R-37

ORDER

This Writ Petition has been filed challenging the order passed by the first respondent in proceedings Ni.Mu/15921/2015 (T3) dated 05.02.2021 and for a consequential direction to the respondents 1 and 2 to cancel the patta that was granted in favour of the respondents 3 to 40 with respect to the subject property in Survey No.79, Vanniulanthanvayal Village, Tirumayam Taluk, Pudukottai District.

2. Heard the learned counsel appearing on behalf of the petitioner, the learned Special Government Pleader appearing on behalf of the respondents 1 and 2 and the learned counsel appearing on behalf of the respondents 4, 13, 16, 18, 22, 26, 29, 30, 31, 35 and 37.



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3. The case of the petitioner is that the land measuring 40 acres and 10 cents in Survey No.79 was originally owned by the great grandfather of the petitioner viz., Muthuraman Servai. After his demise, his son Duraisami Servai inherited the property and during the year 1962, the Settlement Land Register also stood in the name of Duraisami Servai.

4. The grievance of the petitioner is that during the UDR, the names of the private respondents, who have nothing to do with the property was included and patta was also granted in their favour.

5. The petitioner on coming to know of the same, made a representation to the first respondent. The first respondent after conducting the enquiry, came to the conclusion that the petitioner must workout his remedy only before the competent Civil Court. Aggrieved by the same, the present Writ Petition has been before this Court.

6. When the matter came up for hearing on 11.12.2023, it was informed to this Court some of the private respondents died during the pendency of this Writ Petition. This Court wanted to hear the case on merits and if in case, this



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Court is inclined to interfere with the order of the first respondent, this Court wanted to direct the learned counsel for the petitioner to take steps to implead the legal representatives of the deceased private respondents. Accordingly, the matter was posted for hearing today.

7. On hearing the submissions made by the learned counsel for the petitioner and the learned Special Government Pleader appearing on behalf of the official respondents and the learned counsel appearing on behalf of some of the private respondents, this Court is of the view that the order passed by the first respondent does not suffer from any error of law apparent on the face of the record. The first respondent has assigned reasons as to why the petitioner has to workout his remedy only before the competent Civil Court. This Court does not find any illegality or perversity in the order passed by the first respondent warranting the interference of this Court.

8. It will suffice, if liberty is granted to the petitioner to workout his remedy before the competent civil Court. It is also made clear that any of the findings rendered by the first respondent in the impugned proceedings dated 05.02.2021, will not have any bearing on the competent civil Court while trying the suit and the civil Court will deal with the case on its own merits and in



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accordance with law, uninfluenced by the order passed by the first respondent

and uninfluenced by the order passed in this Writ Petition.

9. This Writ Petition is disposed of in the above terms. No costs.

15.12.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To

1.The District Revenue Officer,
Pudukottai District.

2.The Tahsildar,
Tirumayam Taluk,
Pudukottai District.



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N.ANAND VENKATESH, J.

Nsr

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