



W.A.(MD)No.1415 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.A.(MD)No.1415 of 2019

and C.M.P.(MD) No.11564 of 2019 and 593 of 2023

1.Palanisamy Nadar (Died)

2.P.Velvizhi

3.Namachivayam

4.Sivalingam

... Appellants

(A2 to A4 substituted vide order of this
Court dated 28.11.2023, made in CMP
(MD) No.16109 of 2023 in W.A.(MD)
No.1415 of 2019)

Vs.

Savuriyammal @ Pappammal (Died)

1.The District Revenue Officer,
Ramanathapuram District.

2.The Revenue Divisional Officer,
Paramakudi Division,
Ramanathapuram.

3.The Tahsildar,
Paramakudi Taluk,
Ramanathapuram.



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4.David

5.Thomas Grace

6.John Sahayaraj

7.Sahaya Mary

8.Lawrence

...Respondents

PRAYER:- Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order dated 28.03.2019 made in W.P.(MD)No.5192 of 2015 on the file of this Court.

For Appellants : Mr.H.Thayumanasamy

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader for R1 to R3

Mr.T.Arul
for Mr.R.Gowrishankar for R4 to R8

JUDGMENT

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

The subject matter of the Writ Appeal relates to Survey Nos.56/2 and 56/4, Venthoni Village, Paramakudi Taluk, Ramanathapuram District.



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2. At the outset, we have to state that the parties have litigated before the civil Court with respect to Survey Nos.56/2 and 56/4 of Venthoni Village. The property originally belonged to one Arulanandu. The original appellant's mother was one Annapporanathammal. She claimed the property by way of a sale deed dated 17.10.1967. The said sale deed was put to test before the civil Court and the civil Court also found the sale deed to be null and void. The decree of the trial Court was confirmed till this Court.

3. The revenue proceedings for mutating the patta in the name of the original appellant had taken place, only based on the sale deed dated 17.10.1967, which the civil Court had already found to be null and void. The plea, which was made before the second appellate Court in S.A.No.1702 of 1987 for retention was rejected on 13.12.1999. The Revenue Authorities seems to have been accepted the same. In fact, the Revenue Divisional Officer, in his order dated 28.11.2013, had agreed with the submissions that had been made by the private respondents before us, but rejected the plea by a non speaking order.

4. A perusal of the order of the Revenue Divisional Officer shows that the conclusion has not followed the reasoning. The reasoning is in favour of the



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deceased private respondent, but the order is in favour of the writ appellant. All these aspects have been properly considered by the learned Single Judge, who set aside the order of the Revenue Divisional Officer as confirmed by the District Revenue Officer and upheld the order of the third respondent in ordering transfer of patta.

5. In the light of the fact that the sale itself has been found to be void by the civil Court, the transfer of patta ordered by the Revenue Divisional Officer and the District Revenue Officer had rightly been interfered with by the learned Single Judge. The said order does not require any interference, the same is confirmed and the Writ Appeal is dismissed. No costs. Consequently, connected Civil Miscellaneous Petitions are closed.

(S.M.S., J.) & (V.L.N., J.)
28.11.2023

NCC : Yes / No
Index : Yes / No

SJ
To

1. The District Revenue Officer,
Ramanathapuram District.

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3.The Tahsildar,
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Ramanathapuram.



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S.M.SUBRAMANIAM, J.

AND

V.LAKSHMINARAYANAN, J.

SJ

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