BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15689 of 2022
and
W.M.P(MD)Nos.11292, 11293 & 19247 of 2022

Shanthi ... Petitioner

Vs

1.The District Revenue Officer cum
Additional District Magistrate,
Thoothukudi.

2.The Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.

3.Arunachala Nadar ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent vide proceedings No.Ne.Mu.A2/4099/2019 dated 12.10.2021 and consequential impugned order passed by the first respondent bearing Na.Ka.No.D6/31924/2021 dated 01.07.2022 and quash the same as illegal, improper, unlawful, unconstitutional and arbitrary and consequently direct the second respondent to consider the petitioner's grievance and issue patta in her name.

For Petitioner : Mr.R.Murugan

For Respondents : Mr.N.Satheeskumar
Additional Government Pleader
for R.1 & R.2

Mr.N.Dilipkumar for R.3

ORDER

Heard the learned counsel on either side.

2.The third respondent herein lodged petition dated 26.06.2019 before Revenue Divisional Officer, Kovilpatti. He alleged that the petition mentioned property stood in the joint names of five persons. While so, in the year 2018 the name of one Udhayakumar was incorporated without notice to the incumbant pattadhars. One Thangamariappan who belonged to one of the five branches and the said Udhayakumar thereafter executed sale deed in favour of Santhi / the writ petitioner herein. The said Santhi is none other than the wife of Udhayakumar. Based on the same, name of Santhi was included in patta in respect of 29 cents. According to Arunachala Nadar / the third respondent, this mutation was illegal. Revenue Divisional Officer, Kovilpatti issued notice to Santhi and after conducting a detailed enquiry accepted the case of Arunachala Nadar and restored the names of the original five pattadhars. Challenging the same, Santhi filed revision petition before the District Revenue Officer, Thoothukudi. The District Revenue Officer, Thoothukudi vide order dated 01.07.2022 confirmed the order passed by the Revenue Divisional Officer. Challenging the same, the present writ petition came to be filed.

3.After hearing the learned counsel on either side, I am clearly of the view that only the jurisdictional civil Court can resolve the competing claims. The order impugned in the writ petition does not call for interference. This is because by the impugned order the authorities have only directed the restoration of the status quo ante. It is not evident from the records that before entering the name of the Udhayakumar in the revenue record, other pattadhars were put on notice. Likewise, the title of Thangamariappan and Udhayakumar to jointly alienate 29 cents of land in favour of the writ petitioner is also not clear. In these circumstances, the authorities rightly acted in restoring the original position. Of course, the finding of the revenue authority is not conclusive or binding. The writ petitioner can very well approach the jurisdictional civil Court for establishing his rights in the manner known to law.

4.Granting such liberty to the writ petitioner, the orders impugned in the writ petition are sustained. This writ petition is dismissed. I make it clear that dismissal of this writ petition will not cast any cloud on the rights of the writ petitioner. All the contentions of the third respondent are also left equally open. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

24.01.2023

Index : Yes / No

Internet : Yes / No
NCC : Yes / No
MGA

To

The District Registrar (Administration),
Palayamkottai,
Collectorate Complex,
Kokkirakulam,
Tirunelveli District.

G.R.SWAMINATHAN, J.

MGA

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