



WP (MD) No 17270 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.17270 of 2023 and
WMP(MD) Nos.14460, 14462 & 15449 of 2023

1.K.Marimuthu
2.K.Murugan

... Petitioners

Vs

1.The Additional Collector cum
Additional District Executive Magistrate,
Tuticorin District.

2.The Revenue Divisional officer,
Kovilpatti,
Tuticorin District.

3.The Tahsildar,
Kovilpatti,
Tuticorin District.

4.A.Jebamalai Pitchai
5.S.Muthiah

... Respondents



WP (MD) No 17270 of 2023

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to the impugned order of the first respondent in Na.Ka.D6-9990-2017 dated 01.12.2020 and quash the same insofar as directing to restore the patta to its original position.

For petitioner : Mr.H.Arumugam
For R1 to R3 : Mrs.D.Farjana Ghoushia
Special Government Pleader
For R4 : Mr.J.Barathan
For R5 : Mr.K.Gurunathan

ORDER

This writ petition is filed as against the order of the Additional District Executive Magistrate, Tuticorin District/the first respondent under the Tamil Nadu Patta Pass Book Act, 1983. By the order impugned in this writ petition, the patta has been restored to its original position and a direction was issued to the parties to work out their remedy before the competent civil Court.

2.The learned counsel for the petitioner submits that a punja land to an extent of 2.34.5 hectares situated in S.No.209/3B2B,



WP (MD) No 17270 of 2023

Kayatharu Village & Taluk, Tuticorin District originally belonged to one Paramasivam Pillai through an oral partition. From Paramasivam Pillai, by way of a registered sale deed, one Esakipandian has purchased the property on 12.07.1989. After the death of the said Esakkipandian, his wife Muthammal has executed a power of attorney in favour of one Madasamy. The said Madasmy has sold the subject property to one Jebamalai by a registered document, dated 19.11.2004 and accordingly, Patta was transferred in the name of the said Jebamalai and from Jebamalai, the petitioner has purchased the property by way of a registered document dated 10.08.2022, vide Document No.3228/2022. While this being so, the fifth respondent has filed a petition before the second respondent to cancel the patta issued in favour of the petitioner's vendors and various other persons. The second respondent, by his order dated 17.01.2017 cancelled the patta and directed the third respondent to conduct an enquiry. Challenging the same, the petitioners' vendors have filed a revision petition before



WP (MD) No 17270 of 2023

WEB COPY

the District Revenue Officer. The Additional Collector cum Additional District Executive Magistrate, Tuticorin/the first respondent herein, who was in the cadre of District Revenue Officer has passed the impugned order in Na.Ka.D6-9990-2017, dated 01.12.2020, directing the parties to approach the civil Court. The first respondent has also directed to restore the patta to its original position i.e in the name of the Meenakshinathan Pillai. This order is under challenge in this writ petition.

3.The learned counsel appearing for the fifth respondent submits that the land was originally stands in the name of the fifth respondent's great grand fathers, namely Manjanambiya Pillai and Ramasubramanian Pillai in patta No.145. Thereafter, it was devolved to one Avudaiyappa Pillai. He has executed a registered Will in the year 1953, through which, the property was transferred to the petitioner's father and his uncles one Shanmugam and Meenakshinathan Pillai on



WP (MD) No 17270 of 2023

27.10.1953. Accordingly, mutations were also effected in Patta No.145.

WEB COPY

Now by the impugned order in this writ petition, the District Revenue Officer has passed an order to restore the patta in the name of Meenakshinathan Pillai, as per the revenue records available with them and also directed the parties to work out their remedy before the competent civil Court.

4.This Court considered the rival submissions made and also perused the materials placed on record.

5.Considering the civil dispute involved in this writ petition, this Court is not inclined to interfere with the orders of the District Revenue Officer. The parties are directed to work out their remedy before the competent civil Court and establish their rights over the properties.



WP (MD) No 17270 of 2023

WEB COPY

6. Accordingly, this writ petition is dismissed. No costs.

Consequently, connected Miscellaneous Petitions are closed.

19.09.2023

NCC :Yes/No

Index :Yes/No

Internet:Yes

vrn

To

1.The Additional Collector cum
Additional District Executive Magistrate,
Tuticorin District.

2.The Revenue Divisional officer,
Kovilpatti,
Tuticorin District.

3.The Tahsildar,
Kovilpatti,
Tuticorin District.



WEB COPY



WP (MD) No 17270 of 2023

B.PUGALENDHI, J.

vrn

Order made in
WP(MD)No.17270 of 2023 and
WMP(MD) No.14460, 14462 & 15449 of 2023

19.09.2023