



WP(MD)No.10972 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 05.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

**WP(MD)No.10972 of 2014
and WMP(MD)Nos.1 and 2 of 2014**

1.Muthuramalinga Naicker [died]

2.Balakrishnan

... Petitioner

[2nd petitioner is substituted
vide court order dated in
WMP(MD)No. 6154 of 2023]

Vs

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The District Revenue Officer,
Ramanathapuram District.

3.The Tahsildar,
Muthukulathur,
Ramanathapuram District.

4.Ramasamy Naicker

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records pertaining to the impugned order in Pa.Mu.No.14908/2013(P5) dated 16.04.2014 on the file of the 2nd respondent and quash the same as illegal,



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unjust, without jurisdiction and consequently direct the 2nd respondent to include the petitioner's name in the patta No.2294 in the property situated in the Survey Nos.186/4, 190/2A, 2B, 191/4, 198/4A1, 198/5 and 198/6 in Aathangkothankudi, Village, Muthukulathur Taluk, Ramanathapuram District.

For Petitioner : Mr.S.A.Ajmalkhan
For Respondent : Mr.J.K.Jayaseelan,
Nos.1 to 3 Government Advocate
For Respondent : Mr.K.R.Laxman
No4.

ORDER

This writ petition has been filed challenging the order of the District Revenue Officer dated 16.04.2014.

2.The petitioner's father and the 4th respondent are brothers. They are having property in Survey Nos.186/4, 190/2A, 2B, 191/4, 198/4A1, 198/5 and 198/6 in Aathangkothankudi, Village, Muthukulathur Taluk, Ramanathapuram District. The patta for these lands stands in the name of the petitioner's father one Perumal Naicker. However joint patta was issued in the name of the petitioner and the 4th respondent. Aggrieved over that the



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4th respondent has approached the DRO for correcting the UDR survey entry of issuing joint patta in the name of the petitioner's father, based on the release deed in Document No.10/1970 dated 02.03.1970 executed by the petitioner's father. Considering the release deed dated 02.03.1970, the DRO has directed the RDO to cancel the joint patta and to correct the entries in the revenue records. As against that order, this writ petition is filed.

3.The learned Counsel for the petitioner submits that the petitioner is not aware of the release deed dated 02.03.1970. The above properties are his ancestral properties and therefore, this petitioner is having right over the property. The DRO has passed the impugned order without considering the fact the release deed has been executed on behalf of the minor.

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

5.The DRO has corrected the entries, which have been made during UDR survey based on the release deed dated



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02.03.1970 vide document No.10/1970. The release deed is a registered one. Therefore, this Court is not inclined to interfere with the impugned order. If the petitioner is having any grievance, it is open him to approach the civil court and get his grievance redressed in the manner known to law.

6.The writ petition is disposed of on the above terms. No costs. Consequently connected miscellaneous petitions are closed.

05.04.2023

Internet : Yes / No

dsk

To

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The District Revenue Officer,
Ramanathapuram District.
- 3.The Tahsildar,
Muthukulathur,
Ramanathapuram District.



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B. PUGALENDHI, J.

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