



W.P(MD)No.13330 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13330 of 2014

and

M.P.(MD)No.1 of 2014

Lurthumarry

... Petitioner

Vs.

**1.The District Revenue Officer,
Sivagangai,
Sivagangai District.**

**2.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.**

**3.The Tahsildar,
Karaikudi,
Sivagangai District.**

4.Valliammai

5.Mohan

6.Kaspar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings dated 15.07.2014 of the first respondent in



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P.Mu.P1/31942/2010 and quash the same and consequently, direct the first respondent and pass appropriate orders.

For Petitioner : Mr.V.R.Shanmuganathan

For Respondents : Mrs.K.Christy Theboral
Additional Government Pleader for R1 to R3

: No appearance for R4

ORDER

Heard the learned counsel on either side.

2. The petitioner challenges the impugned order dated 15.07.2014 passed by the District Revenue Officer, Sivagangai. The fourth respondent herein namely Valliammai filed revision before the District Revenue Officer, Sivagangai for cancelling the patta issued in favour of the petitioner herein. She asked for revenue records to be mutated in her name. Her request pertained to the petition mentioned property comprised in Survey No.372/4B1, Sevarakkottai Group, Thiruppathur Taluk. The learned counsel appearing for the petitioner has challenged the impugned order on the ground set out in the affidavit filed in support of the writ petition.



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3. I am not persuaded by the said submission. The basic facts are not in dispute. The original owner of the property is the 6th respondent namely Kaspar. He executed power of attorney dated 28.04.2008 in favour of Mohan/R5. Mohan sold the property in his capacity as power agent in favour of the 4th respondent on 26.05.2008. Only thereafter, the power was cancelled on 06.08.2008 by the 6th respondent. The sale was made by the 6th respondent in favour of the petitioner in respect of the petition mentioned property on 05.09.2008. Thus, the purchase of the property by the petitioner is later in point of time. Therefore, mutation should have been made in favour of the 4th respondent and not the writ petitioner. The District Revenue Officer, Sivagangai rightly interfered in the matter and issued the impugned order. The order of the District Revenue Officer, Sivagangai cannot be faulted. At the same time, any order passed by the revenue authority will be subject to the decision of the civil court. It appears that the petitioner subsequently filed a civil suit and the same ended against her. If the petitioner files any appeal, the rights of the parties would abide by the outcome of the appeal.



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G.R.SWAMINATHAN, J.

rmi

4. With this observation, the writ petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

05.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
rmi

To

- 1.The District Revenue Officer,
Sivagangai,
Sivagangai District.
- 2.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.
- 3.The Tahsildar,
Karaikudi,
Sivagangai District.

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