



WP(MD)No.1622 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.01.2023**

CORAM:

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

W.P.(MD)No.1622 of 2014

and

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

M.Jameela Beevi

... Petitioner

/vs/

1.The District Collector,
Sivagangai District
Master Plan Complex
Sivagangai District.

2.The Revenue Divisional Officer,
Majith Road,
Sivagangai District.

3.The Tahsildar
Taluk Office
Ilayankudi Taluk,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the second respondent N.K.A3/125/2013 dated 16.07.2013 quash the same and consequently direct the respondents herein to include the name of the petitioner in 10(1) extract and issue computerized patta under 10(1) extract in the name of the petitioner within a reasonable time.



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For Petitioner : Mr.S.Srinivasa Raghavan

WEB COPY For Respondents : Mr.V.Om.Prakash
Government Advocate

ORDER

The present writ petition had been filed challenging the order of the second respondent dated 16.07.2013 and to consequently direct the respondents herein to include the name of the petitioner in the 10(1) extract and issue computerized patta in the name of the petitioner.

2.The case of the petitioner is that, the property originally belonged to one Mrs.Kathar Pathu, W/o.Mohammed Hussai and that she had executed an unregistered sale deed in favour of the petitioner on 17.09.1999. Thereafter she had approached the third respondent herein for grant of patta, who by his communication dated 23.07.2010, had directed the petitioner to approach the Revenue Divisional Officer, Sivagangai with relevant documents. Pursuant to the said communication of the third respondent, the petitioner had approached the second respondent by her representation dated 11.09.2010 and 15.06.2011. However, on 16.07.2011, the third respondent herein had called upon the petitioner to attend an enquiry on 25.07.2011, along with relevant documents before the Deputy Tahsildar. The petitioner had also attended the enquiry and had



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submitted the relevant documents. He would also further submit that after the purchase made by her, the revenue records have been mutated in her name on 17.09.1999 and patta has also been issued in her name bearing patta No.236 under proceedings in jh/g/kh/vz;/478/99-2000 dated 17.09.1999 by the third respondent herein. The Chitta, Adangal extract of the revenue village also reflects the name of the petitioner. However, when the revenue records were updated in the online, the online extract showed that the patta No.236 stands in the name of the petitioner's vendor. Therefore, she had sought for an information under the Right to Information Act, as to the stage of the application or which an enquiry has also been conducted pursuant to the notice of the third respondent on 25.07.2011. In reply, the public information officer attached to the second respondent, had informed the petitioner that as the petitioner had not produced the registered sale deed, the request of the petitioner could not be considered. He would further submit that pursuant to the application of the petitioner, no orders have been passed by the second respondent till date.

3.Mr.V.Om Prakash, learned Government Advocate, had produced a letter addressed to him by the third respondent herein. A perusal of the letter would show that they have not disputed the proceedings of the Tahsildar dated 17.09.1999. But however, it has been stated that the land of the petitioner had not



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been registered since she had not produced the registered sale deed pertaining to the property.

4.I have considered the submissions made by the learned counsel on either side. The request of the petitioner was only to update the revenue records, standing in her name in the online updation. In spite of the proceedings of the Tahsildar, dated 17.09.1999, where patta has been issued in favour of the petitioner and the revenue records have also been mutated in her favour, it is not known as to how the name of the petitioner's vendor had been updated in the online land revenue records. When such a change of revenue updation is made online, contrary to what is available in the revenue records, the respondents ought to have issued notice to the petitioner before carrying out such alteration. This has also not been made.

5.What is challenged in the writ petition by way of a certiorari is a communication that has been issued by the public information officer attached to the second respondent in favour of the petitioner. Such a communication cannot be a subject matter of challenge in a writ petition. As no orders have been passed by the second respondent till date, the second respondent is directed to update in online, what is actually recorded in the revenue records. It is not disputed that the



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revenue records stand in the name of the petitioner. Therefore, there will be a positive direction to the third respondent to update the patta No.236, in respect of S.No.61/1L for an extent of 0.04 ares in the name of the petitioner within a period of eight weeks from the date of receipt of a copy of this order.

6.With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

04.01.2023

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

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To

- 1.The District Collector, Sivagangai District, Master Plan Complex
Sivagangai District.
- 2.The Revenue Divisional Officer, Majith Road, Sivagangai District.
- 3.The Tahsildar, Taluk Office, Ilayankudi Taluk, Sivagangai District.



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K.KUMARESH BABU, J.

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