



W.P.(MD)No.17713 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.17713 of 2014
and M.P.(MD)No.1 of 2014

S.Mathanagopal

... Petitioner

versus

1. The Tahsildhar,
Andipatty,
Theni District.

2. The Revenue Divisional Officer,
Theni District.

3. The District Collector,
Theni District.

4. P.Ocha Thevar
5. O.Ochammal

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records of the 1st respondent's order in Na.Ka.No.201/14/b1 dated 05.09.2014, quash the same and to direct the 1st respondent to retain the



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patta in the name of the petitioner.

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For Petitioner : Mr.M.Senthilkumar
For R1 to R3 : Mr.J.K.Jeyaseelan,
Government Advocate
For R4 and R5 : No appearance

ORDER

This writ petition is filed as against the order dated 05.09.2014, in and by which, the first respondent/the Tahsildar, Andipatti, ordered for cancelling the name of the petitioner and re-entering the name of the 4th and 5th respondents as the owners of the properties in Survey Nos.726/4 and 727/1 of Myladumparai Village, Andipatti Taluk.

2. The case of the petitioner is that the properties in Survey Nos. 726/4 and 727/1 originally belonged to one K.Chellaiah, who gifted the property to one Petchiammal, from whom, the petitioner got the property by way of a gift deed in the year 2011. Since the property stands in the name of K.Chellaiah, the first respondent, without



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conducting proper enquiry, added the name of the 4th and 5th respondents as the owners of the properties in Survey No.726/4 and 727/1 of Myladumparai Village, Andipatti Taluk. Challenging the same, the present writ petition is filed.

3. The learned Government Advocate submits that the properties originally belong to the respondents 4 and 5 and since the patta has been wrongly entered in the name of K.Chellaiah, the same was rectified in the impugned order dated 05.09.2014, after providing opportunity to the petitioner by issuing notice.

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

5. The petitioner as well as the 4th respondent and 5th respondent are rival claimants for the property in Survey Nos.726/4 and 727/1. It is reported that the respondents 4 and 5 are no more. By the impugned



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order, the original patta was restored in the name of respondents 4 and 5.

6. If the petitioner is having any grievance over the property, it is always open to him to approach the Civil Court and establish his right over the property by filing a suit for declaration.

7. Accordingly, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

09.03.2023

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



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B.PUGALENDHI, J.

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