



WP(MD)No.20575/2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.20575/2014 &
MP(MD)No.1/2014

A.Koodalingam

...Petitioner

Vs

1.The Revenue Divisional Officer,
Revenue Divisional Officer,
Usilampatti,
Madurai District.

2.The Thasildar,
Peraiyur Taluk,
Peraiyur,
Madurai District.

3.Udayammal

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records in pursuance of the impugned order dated 24.11.2014 in Mu.Mu.No.3545/2014/A4 passed by the first respondent and quash the same.



WP(MD)No.20575/2014

For Petitioner : Mr.J.John
For Respondents : Mr.J.K.Jayaselan,
Government Advocate
for R1 and R2
Mr.K.Sudalaiyandi for R3

ORDER

This writ petition is filed as against the order of the Revenue Divisional Officer, cancelling the patta issued in favour of this petitioner.

2. The learned counsel appearing for the petitioner submits that the Revenue Divisional Officer has passed the order dated 24.11.2014 in Mu.Mu.No.3545/2014/A4 based on the representation of the third respondent and the first respondent is not having any jurisdiction to pass this order.

3. The first respondent, Revenue Divisional Officer has filed a counter affidavit stating that the land belongs to one Udayappan, son-in-law of the petitioner. Udayappan died on 25.03.2012. Thereafter, the petitioner's daughter Subbulakshmi, wife of Udayappan has obtained a Legal Heirship Certificate in her favour in R.Dis.No.6989/2012 dated



WP(MD)No.20575/2014

12.04.2012 and changed the revenue records in her name. The third respondent, namely, Udayammal, who was the mother of Udayappan preferred an appeal before the first respondent, requesting to include her name in the Certificate. Therefore, the first respondent cancelled the Legal Heirship Certificate issued in favour of the Subbulakshmi vide D.Dis.No.1755/2014 dated 29.05.2014 and issued a fresh Legal Heirship Certificate for the deceased Udayappan vide D.Dis.No.490/2014-C5 dated 16.05.2014 including the names of Subbulakshmi and Udayammal. Meanwhile, Subbulakshmi, executed a registered Gift Deed in favour of the petitioner and based on the Gift Deed, the second respondent transferred the patta in the name of the petitioner in RTR.No.1652/2014. Therefore, the third respondent, Udayammal, preferred an appeal to cancel the patta transfer order. The first respondent conducted a detailed enquiry in the matter and passed an order in K.Dis.No.3545/2014-A4 on 24.11.2014 cancelling the patta transferred in the name of the petitioner and the same is challenged in this writ petition. According to the affidavit of the first respondent, the petitioner is having a remedy before the District Revenue Officer as per the Patta Pass Book Act, 1983 and without approaching the District Revenue Officer, the petitioner has approached this Court.



WP(MD)No.20575/2014

4. The learned Government Advocate appearing for the respondents 1 and 2 submits that the petitioner had passed away on 02.09.2020 and also produced the Death Certificate of the petitioner.

5. It appears that the Revenue Divisional Officer has passed the impugned order dated 24.11.2014 based on the fresh Legal Heirship Certificate issued in D.Dis.No.490/2014-C5 dated 16.05.2014. Therefore, this Court is not inclined to interfere with the impugned order and as a result, this writ petition is dismissed. Since the petitioner is having a remedy before the District Revenue Officer, it is open to the legal heirs of the petitioner to file an application before the concerned District Revenue Officer, if so advised, and it is also open to them to approach the competent Civil Court as against the fresh Legal Heirship Certificate issued in D.Dis.No.490/2014-C5 dated 16.05.2014 and establish their right over the property. No costs. Consequently, the connected Miscellaneous Petition is closed.

10.03.2023

NCC: Yes / No
Index :Yes / No
Speaking Order : Yes / No
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WP(MD)No.20575/2014

To

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Madurai District.
2. The Thasildar,
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WP(MD)No.20575/2014

B.PUGALENDHI, J.

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