



W.P(MD)No.10190 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10190 of 2015
and
M.P.(MD)No.1 of 2015

S.Amirthaselvam Ammal

... Petitioner

Vs.

- 1.The District Officer,
O/o.District Revenue Officer,
Tirunelveli District.
- 2.The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.
- 3.D.Chithiraikani
- 4.T.Subbaiah
- 5.T.Narayanan
- 6.T.Ramalingam
- 7.D.Chithiraipandian
8. D.Muthu Kumar

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the proceedings of the District Revenue Officer, the 1st respondent in Ci.Ma.Ka.2/6/2013 dated 16.03.2015 confirming the order in Ni.Mu.5303-11(A) dated 12.03.2013 of the Revenue Divisional Officer, appellate authority, Cheranamahadevi, Tirunelveli District in respect of the patta No.762 and the property situate in Survey No.137/1A of Thanakkarkulam Village, Radhapuram Taluk, Tirunelveli District and quash the same.

For Petitioner : No appearance

For Respondents : Mr.D.Gandhiraj,
Spl. Government Pleader for R1 & R2.
Mr.H.Arumugam for R3 to R8.

ORDER

The learned counsel who filed the writ petition reported no instructions on the last occasion. The case was therefore directed to be listed by printing the name of the petitioner. The petitioner's name is printed in the cause list. There is no representation on her behalf. She has also not made any alternative arrangement in the meanwhile.



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2.I went through the contents of the affidavit filed in support of the writ petition. The case of the petitioner is that the names of the private respondents should be removed from the revenue record in respect of the petition mentioned property. The petitioner filed revision before the District Revenue Officer, Tirunelveli. After conducting enquiry, the District Revenue Officer, Tirunelveli passed the impugned order dated 16.03.2015 relegating the petitioner to move the jurisdictional Civil Court.

3.The petitioner had purchased 37 ½ cents in S.No.137/1 in Thanakkarkulam village from one Thangavel Nadar on 25.07.1985 (Document No.1324/1985). The said survey number originally comprised 75 cents. Before UDR, in SLR, the name of one Narayana Nadar has been mentioned. It is not clear as to how Thangavel Nadar became entitled to 37 ½ cents of land. In the sale deed executed in favour of the petitioner, no previous deed has been mentioned. While so, one Megavarnapitchai Muthu Nadar filed O.S.No.430 of 1995 on the file of Principal District Munsif Court, Vallioor against one Dharmar Nadar and others for the reliefs of declaration, recovery of possession and



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mandatory injunction. The suit was dismissed. A.S.No.150 of 2004 filed on the file of II Additional Sub Court, Tirunelveli was also dismissed. Challenging the same, Megavarnapitchai Muthu Nadar filed S.A.(MD)No.954 of 2005 before this Court. It is still pending. The petitioner herein wanted to take advantage of some observations made in the judgment dated 24.11.2003 in O.S.No.430 of 1995. Admittedly, the petitioner herein figured only as the fifth defendant in the suit. Of course, Dharmar Nadar figured as the second defendant. The third respondent herein figured as 14th defendant. But then, on the strength of the observations made in a judgment, the revenue authority cannot pass any binding order. Considering the contentious nature of facts, the authorities rightly relegated the petitioner to move the jurisdictional Civil Court. The fact remains that the petitioner is figuring as joint pattadar. If she wants to edge out the other pattadars, she must make out a clear case. She must also demonstrate that her vendor's name figured in the revenue record. Admittedly, Thangavel Nadar's name never figured in the revenue record let alone in respect of the entire extent. Therefore, the order impugned in this writ petition cannot be interfered with and it is sustained.



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4. Granting liberty to the petitioner to move the jurisdictional Civil Court, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

05.09.2023

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

To:-

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O/o. District Revenue Officer,
Tirunelveli District.
2. The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.



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G.R.SWAMINATHAN, J.

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