



W.P.(MD)No.6181 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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A.Palanichamy (died)

1. Subbulakshmi
2. Kannan
3. Murugan
4. Leelavathi
5. Ramammal
6. Suriya

(Petitioners 1 to 6 are impleaded
vide order dated 08.03.2023)

... Petitioners

versus

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Revenue Divisional Officer,
Srivilliputtur Taluk,
Virudhunagar District.
3. The Tahsildar,
Srivilliputtur Taluk,
Virudhunagar District.
4. Guruvammal



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5. Natchiar

6. Panneerselvam

7. Chandra

8. Mallika

9. Poompuhar

... Respondents

(Respondents 4 to 9 are impleaded vide order dated 23.08.2018)

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondents to include the name of the petitioner as joint pattadar in respect of Survey Nos.522 and 530, Malli Village, Mayathevanpatti, Srivilliputtur Taluk, Virudhunagar District.

For Petitioner	: Mr.T.Antony Arul Raj
For R1 to R3	: Mr.G.V.Vairam Santhosh, Additional Govt. Pleader
For R4 to R9	: Mr.M.Ashok Kumar

ORDER

This writ petition is filed for a Mandamus directing the respondents to include the name of the petitioner as joint pattadar for the lands in Survey Nos.522 and 530, Malli Village, Mayathevanpatti, Srivilliputtur Taluk, Virudhunagar District.



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2. The learned counsel appearing for the petitioners submits that the lands in Survey Nos.522 and 530, to an extent of 17 acres 38 cents and 1.39 acres respectively, situated at Malli Village, Mayathevanpatti, originally belonged to one Gurusamy Thevar. He died in the year 1955 leaving behind his sons Andi Thevar, Sangaya Thevar and Arunachala Thevar. The petitioner A.Palanichamy (now deceased) and his brother one Gurusamy are the sons of Andi Thevar and they are entitled to 1/3rd share in the said properties. The petitioner and his brother are also enjoying the properties without partition and their names were also shown as joint pattadar. While so, the Revenue Inspector, without issuing any notice and without conducting any enquiry, unilaterally deleted their names from the joint patta. Therefore, the petitioner made a representation before the third respondent/the Tahsildar, Srivilliputtur Taluk, Virudhunagar District, requesting him to include his name and his brother's name as joint pattadar. Since the said request has not been considered, the petitioner has filed the present writ petition. Pending this writ petition, the petitioner died and therefore, his legal heirs are



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brought on record as parties in this writ petition.

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3. The learned Additional Government Pleader appearing for the respondents 1 to 3 submits that it is true that the petitioner's name was found in the joint patta. However, the Revenue Inspector has made certain entries in the Register by deleting his name and the records pertaining to deletion of his name are also missing. On the representation filed by the petitioner, the third respondent/the Tahsildar, Srivilliputtur, has also conducted an enquiry and verified the earlier revenue records and also called upon the petitioner to produce the relevant documents. The petitioner failed to produce the relevant documents before the third respondent/the Tahsildar, Srivilliputtur. Since the petitioner has not produced any relevant document, the third respondent/the Tahsildar, Srivilliputtur is not in a position to consider the request of the petitioner.

4. This Court considered the rival submissions made and also



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perused the materials placed on record.

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5. Admittedly, the petitioner's name was deleted by the Revenue Inspector, without conducting any enquiry. Further, the records pertaining to the deletion of petitioner's name was not available as per the information furnished by the Tahsildar, Srivilliputtur, under the Right to Information Act on 25.02.2014. Further, the Tahsildar, Srivilliputtur, claimed that though the petitioner was provided an opportunity, he has not placed any relevant document regarding title over the property. Since there was no document in favour of the petitioner, he was not in a position to consider the request of the petitioner.

6. This Court, under Article 226 of the Constitution of India, cannot go into the issue regarding title of property and cannot pass any further order as to whether the petitioner is having right to hold joint patta or not.



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7. The petitioners, who are the legal heirs of the deceased writ petitioner, shall prefer an appeal before the Revenue Divisional Officer, Srivilliputtur Taluk, Virudhunagar District, within a period of two weeks from the date of receipt of a copy of this order along with the relevant documents if any. If any such appeal is filed, the Revenue Divisional Officer, Srivilliputtur, Taluk, Virudhunagar District, shall consider the same and pass orders thereon, after providing an opportunity to the respondents 4 to 9, within a period of six months thereafter.

8. Accordingly, the writ petition is disposed of. No costs.

08.03.2023

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



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B.PUGALENDHI, J.

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