



W.P(MD)No.16293 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.16293 of 2015

and

M.P(MD)No.1 of 2015

Selvarani

... Petitioner

Vs

1.The District Collector,
Sivagangai District.

2.The Revenue Divisional Officer,
Devakottai.

3.The Tahsildar,
Karaikudi Taluk,
Karaikudi.

4.Murugesan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned mutation of patta by the third respondent in favour of the fourth respondent in Patta No.2231 from the name of the petitioner and quash the same and consequently directing the respondents 1 to 3 to restore the properties comprised in S.Nos. 185/1 and 185/2, Sannavanam Village,



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Karaikudi Taluk, Sivaganga District to the Patta No.820 in the name of the petitioner.

For Petitioner : Mr.S.Manikandan
for Mr.R.Sundar Srinivasan

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader
for R.1 to R.3

Mr.S.Krishnan
for Mr.A.Muralikumar for R.4

ORDER

Heard both sides.

2. The petitioner's name was reflected in the revenue record as pattadhar in respect of the petition mentioned properties. Without putting the petitioner on notice, it was cancelled by the impugned proceedings. Challenging the same, the present writ petition came to be filed.

3. It is beyond dispute that the impugned order has been passed in violation of the principles of natural justice. On this ground it is liable to be set aside. It is accordingly set aside.



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4. The learned counsel appearing for the contesting respondent submitted that the petitioner filed O.S.No.92 of 2011 on the file of Principal District Munsif Court, Karaikudi seeking relief of declaration and permanent injunction. The fourth respondent herein figured as the first defendant in the suit. The suit was dismissed vide judgment and decree dated 30.10.2012. Aggrieved by the same, the petitioner filed A.S.No.35 of 2012 on the file of Sub Court, Devakottai. The first appellate Court dismissed the appeal on 11.01.2013. However, the matter is presently pending S.A(MD)No.226 of 2013. An interim injunction was granted for the petitioner on 28.03.2013 in M.P(MD)No.1 of 2013. As rightly pointed out by the learned counsel appearing for the fourth respondent, what was granted by this Court is only an order of interim injunction. The judgments passed by the Court's below have not been stayed. Therefore, the finding that the signature attributed to the father of the fourth respondent is a piece of forgery still holds good.

5. From a reading of the materials on record, I am satisfied that the petitioner had purchased not from all the legal heirs of the original pattadhars but only from some of them. This is of course subject to the outcome of S.A(MD)No.226 of 2013 and this finding of fact is only a tentative observation based on the present findings holding the field. Though the mutation appears to



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have been made by the third respondent, the matter is remitted to the file of the second respondent. The petitioner is permitted to file a fresh petition before the Revenue Divisional Officer, Devakottai. The Revenue Divisional Officer, Devakottai shall issue notice to all the stake holders and contesting parties and pass final order on merits and in accordance with law within a period of twelve weeks after the petitioner files an appeal. I make it clear that I have not gone into the merits of the matter.

6. This writ petition is allowed on these terms. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

08.08.2023

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

To

- 1.The District Collector,
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- 2.The Revenue Divisional Officer,
Devakottai.
- 3.The Tahsildar,
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Karaikudi.



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G.R.SWAMINATHAN, J.

MGA

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