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W.P.(MD)NO.18527 OF 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.18527 of 2015 AND
M.P.(MD)No.1 of 2015

Neelavathi

... Petitioner

Vs.

1. The District Revenue Officer,
O/o.The District Revenue Office,
Thanjavur District.
2. The Revenue Divisional Officer,
O/o.The Revenue Divisional Office,
Thanjavur.
3. The Tahsildar,
Taluk Office,
Thiruvaiyaru,
Thanjavur District.
4. Durairajan

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to Tha.Pa.12/2015 U(2) dated 20.07.2015 on the file of the first respondent confirming the proceedings in Tha.Pa.03/2014 A5 dated 25.02.2014 on the file of the Revenue Divisional Officer, Thanjavur and quash the same and consequently direct the first respondent to conduct fresh enquiry based on the



material evidence available on record in accordance with law in respect of the property situated in survey No.148/2 at Karukudi Village, Thiruvaiyaru Taluk, Thanjavur District.

For Petitioner : Mr.S.Siva Thilakar
For R-1 to R-3 : Mr.S.Ra.Ramachandran,
Additional Government Pleader.
For R-4 : Mr.M.P.Senthil

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner Neelavathi purchased 3 cents of land from one Venkatavaradha Iyengar vide document No.110/1960. However when she executed settlement deed in favour of her grandson Gopi, the document was for a larger extent of land(5 cents). In fact the revenue record also came to be mutated. This was questioned by the fourth respondent. According to the fourth respondent, the petition-mentioned survey number measures originally 5 cents of land and that Neelavathi had enjoyed 3 cents of land whereas the remaining 2 cents was enjoyed by his father Thirupathy Nadar. The



fourth respondent filed O.S.No.192 of 2014 on the file of the Sub Court, Thanjavur against Neelavathi for the relief of declaration and injunction. The said suit has been subsequently re-numbered as O.S.No.223 of 2014 on the file of the Principal Sub Court, Thanjavur. The suit is still pending. The grievance of the petitioner is that after filing the civil suit, the fourth respondent could not have moved the revenue authority. Be that as it may, the Revenue Divisional Officer as well as the District Revenue Officer, Thanjavur held in favour of the fourth respondent. According to them, the petition-mentioned survey number will jointly stand in the name of the petitioner and the fourth respondent.

3. I carefully went through both the impugned order. I wanted to know on what basis, the revenue authorities came to the conclusion that the fourth respondent's father Thirupathy Nadar was in enjoyment of 2 cents of land. Even though general expressions have been employed in the impugned order, the details are wanting. Neelavathi has shown that she purchased 3 cents of land under the registered sale deed dated 01.02.1960. My attention has not been drawn



to any similar document in favour of Thirupathy Nadar. It is for this reason, I interfere with the impugned order. The impugned order is modified to the extent that Neelavathi can claim only over 3 cents of land. As regards, the remaining 2 cents of land in the petition-mentioned survey number, the rights of the parties will abide by the outcome of the civil suit filed by the fourth respondent herein. This writ petition stands partly allowed. The name of the fourth respondent will be deleted from the revenue record. No costs. Consequently, connected miscellaneous petition is closed.

25.07.2023

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

PMU

To:

1. The District Revenue Officer,
O/o.The District Revenue Office,
Thanjavur District.
2. The Revenue Divisional Officer,
O/o.The Revenue Divisional Office, Thanjavur.
3. The Tahsildar,
Taluk Office, Thiruvaiyaru,
Thanjavur District.



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G.R.SWAMINATHAN,J.

PMU

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