



W.P(MD)No.18729 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18729 of 2015

and

M.P.(MD)No.1 of 2015

S.J.Edward Raj @ Thalpathy

... Petitioner

Vs.

1.The District Revenue Officer,
Thanjavur District,
Thanjavur.

2.The Revenue Divisional Officer,
Thanjavur District,
Thanjavur.

3.The Tahsildar,
Thiruvaiyaru Taluk,
Thanjavur District.

4.A.P.Christy Arputharaj

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the first respondent in Tha.Pa.No.08/2015/Oo(2), dated 05.08.2015 and quash the same as illegal, arbitrary and unenforceable.



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For Petitioner : Mr.R.S.Prabhu

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader for R1 to R3

: Mr.C.Jaganathan for R4

ORDER

Heard both sides.

2. The subject matter pertains to the land comprised in Survey No.298, Megalathur Village. The 'A' register contained the name of P.Amalorpavamary. The case of the petitioner is that the said Amalorpavamary was his mother and that she had executed the gift deed in his favour on 16.05.2006 and thereafter on 19.07.2007, patta was mutated in his name. The fourth respondent filed a petition before the jurisdictional RDO who negatived the same. Thereafter, the fourth respondent filed revision before the District Revenue Officer, Thanjavur. By the impugned order dated 05.08.2015, the order of the Tahsildar was cancelled. Challenging the same, the present writ petition came to be filed.

3. I went through the contents of the impugned order. The District Revenue Officer, Thanjavur appears to have passed the impugned order because the rival parties produced the conflicting death certificate. Therefore, the District Revenue Officer felt that mutation should be set aside. I will not fault the approach adopted by the District Revenue Officer. Therefore, the effect of



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the order passed by the District Revenue Officer would be the restoration of the original position before mutation. In other words, the name of P.Amalorpavamary would stand restored. It is also seen that the fourth respondent has filed O.S.No.44 of 2013 on the file of the District Munsif Court, Thiruvayyaru seeking the relief of declaration and recovery of possession. It is stated that trial has already commenced. The rights of the parties namely the petitioner and the fourth respondent herein would abide by the outcome of the said civil suit.

4. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

21.08.2023

Index : Yes / No
Internet : Yes/ No
rmi

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G.R.SWAMINATHAN, J.

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