



W.P(MD)No.19841 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.19841 of 2015

Balasubramanian

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Sub Collector,,
Cheranmahadevi,
Tirunelveli District.

3.The Village Administrative Officer,
Prancheri Village,
Ambasamudram Taluk,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, directing the 1st and
2nd Respondents to take criminal and disciplinary action against the
persons who committed the illegal and fraudulent action by considering



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the petitioner's representations dated 23.06.2015 and 13.07.2015 and other records submitted by the petitioner forthwith.

For Petitioner : Mr.J.Parekhkumar

For Respondents : Mrs.K.Christy Theboral,
Addl. Government Pleader.

ORDER

Heard the learned counsel on either side.

2.The writ petitioner was shown as joint pattadar in Patta Nos.530 and 532 along with two others. In both the pattas, one Veeriyaperumal, S/o.Krishnamoorthy Thevar was also shown as pattadar. The stand of the petitioner is that the said Veeriyaperumal is not his grandfather. His grandfather was Veeriyaperumal, S/o.Rakkisamuthu Thevar. Whiles, his father's siblings claimed that Veeriyaperumal Thevar figuring in Patta Nos.530 and 532 is their father and requested that they should be entered as joint pattadars. The Village Administrative Officer before whom the application was made rejected the request. But within a few days



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thereafter, one Duraipandian who is no way connected with the property is said to have filed another application on the same lines. It was recommended by one Jegadambal who was the in-charge jurisdictional Village Administrative Officer. The recommendation was accepted by the Zonal Deputy Tahsildar, Ambasamudram and the names of the petitioner's father's siblings were included in the pattas. On that basis, they had filed a partition suit in O.S.No.22 of 2010 on the file of District Munsif Court, Cheranmahadevi.

3.The learned counsel for the petitioner took me through the averments set out in the affidavit filed in support of the writ petition and contended that fraud had been perpetrated and that departmental action should be taken against the officials who were parties to the fraud.

4.Though I am *prima facie* satisfied that a case for enquiry has been made out, I am not in a position to interfere. The question of taking action against the erring officials will arise only if the order effecting mutation in favour of the petitioner's father's siblings had been set aside in appeal / revision by the Revenue Divisional Officer / Sub Collector. I



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originally thought of granting liberty to the petitioner to avail the said remedy and thereafter renew his prayer for taking departmental action.

But unfortunately, in the partition suit filed by the petitioner's father's siblings preliminary decree has been passed on 02.11.2018. The petitioner has since filed an appeal before the Sub Court, Ambasamudram. The petitioner can very well canvass the contentions now raised before me in the said appeal. Now that the jurisdictional Civil Court is seized of the matter, the revenue authorities cannot interfere. After the petitioner succeeds in establishing the allegations now made in the writ petition in the pending civil appeal, the petitioner can renew his prayer for taking departmental / criminal action against the erring officials.

5. With this liberty to the petitioner, this writ petition is disposed of.

No costs.

26.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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