



W.P(MD)No.23156 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.23156 of 2015

and

M.P(MD)No.3 of 2015

1.C.Murugan
2.C.Pandiyan

... Petitioners

Vs

1.The District Collector,
Thirunelveli District,
Thirunelveli.

2.The Tahsildar,
Taluk Office,
Tenkasi.

3.The Village Administrative Officer,
Kulasekarapatti Village,
Pavoor Chatram,
Thenkasi Taluk,
Thirunelveli District.

4.K.Subbiah
5.S.Raja
6.S.Ravi
7.Thiruvargathammal
8.Ramalakshmi

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the patta proceedings of the second respondent in respect of Patta No.2007 dated 15.09.2015 as taken in the website Kulasekarapatti, Tenkasi Taluk, Tirunelveli District in respect of Survey No.711/2A3 and directing the second respondent to restore the Patta No.2007 to its original position by maintaining the name of C.Murugan and C.Pandiyan alone in respect survey No.711/2A3 after deleting Mrs.Alaudurachi, Mrs.Ramalakshmi and Mrs.Thiruvrankathammal.

For Petitioners : Mr.K.Muraleedharan

For Respondents : Mr.D.Gandhiraj
Special Government Pleader
for R.1 to R.3

Mr.V.Sasikumar for R.4 to R.6

No Appearance for R.8

ORDER

Heard both sides.

2. The writ petitioners are aggrieved by the incorporation of the names of the private respondents as joint pattadhars. During the pendency of the writ petition, the respondents 4, 7 and 8 have passed away.

3. I called upon the learned counsel appearing for the private respondents as to how they traced their title over the petition mentioned



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property. It is stated that the private respondents purchased the property from one Darmaraj @ Kuthalinga Nadar. I wanted to know from the learned Special Government Pleader if the name of Darmaraj @ Kuthalinga Nadar found place in the revenue record in the first instance. It is fairly stated by the respondents that the names of the vendor of the private respondents did not find place in the revenue record. If that be so, I fail to understand as to how their names could have been entered as joint pattadhars.

4. Admittedly, names of the petitioners alone figured in the revenue record. If the names of the third parties are to be added as joint pattadhars, the petitioners should have been put on notice. In the instant case, the petitioners were not notified before incorporating the names of the private respondents. Thus, the impugned proceedings suffer from a clear violation of the principles of natural justice.

5. It is also seen that the private respondents filed O.S.No.189 of 2004 on the file of Additional District Munsif Court, Tenkasi against the writ petitioners herein. The suit was dismissed. Aggrieved by the same, the private respondents filed A.S.No.8 of 2008 before the Principal Sub Court, Tenkasi. They succeeded before the I Appellate Court. However, the petitioners and one Dharmaraj (Not vendor of the private respondents) filed S.A(MD)No.421 of



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2009 before this Court. On 28.01.2022, the second appeal was allowed and the judgment of the I appellate Court was set aside and the matter was remanded to the file of the Principal Sub Court, Tenkasi. Thus whatever findings rendered in favour of the private respondents stood vacated.

6. In these circumstances, the order impugned in this writ petition will have to be necessarily set aside. It is set aside and this writ petition is allowed. Since civil suit is still pending, the rights of the parties will abide by the outcome of the civil suit. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

10.08.2023

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

To

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Thirunelveli.

2.The Tahsildar,
Taluk Office,
Tenkasi.



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G.R.SWAMINATHAN, J.

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