

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6028 of 2015

and

M.P.(MD)No.2 of 2015

1.R.Karthikeyan

2.N.Pandurangan

3.N.Rajendran

4.R.Jeyamani

5.P.Maragathammal

... Petitioners

Vs.

1.The Sub Collector,
Paramakudi,
Ramanathapuram District.

2.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.

3.The Tahsildar,
(Natham Settlement),
Paramakudi,
Ramanathapuram District.

4.The Tahsildar,
Paramakudi,
Ramanathapuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings made in Mu.Mu(A4)/5314/2014 dated 12.12.2014 issued by the 1st respondent and quash the same and consequently direct the respondents to issue patta in favour of the petitioners with respect to the property comprised in T.S.No.222 situated at Ward No.G Block no.15 Paramakudi Town, Ramanathapuram District.

For Petitioners : Mr.P.R.Printhviraj

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. One Sankara Iyer and others sold the petition mentioned property in favour of Lakshmiammal, Jeyamani and Maragathammal vide sale deed dated 05.12.1975. One Naganathan filed O.S.No.59 of 1976 on the file of the Sub Court, Sivagangai for declaration that the sale deed is a null and void. The suit was partly allowed and the sale consideration was ordered to be deposited. Aggrieved by the same, A.S.No.772 of 1997 was filed before the High Court. The appeal was dismissed on 25.06.1984. The validity of the sale thus became final. The revenue record reflected the name of Sankara Iyer. The petitioners

on the strength of the said Judgment moved the Sub Collector, Paramakudi seeking mutation of patta in their names. The Sub Collector, Paramakudi by the impugned proceedings dated 12.12.2014 called upon the petitioners to file the execution petition. Challenging the said order, the present writ petition came to be filed.

3. Since it is not in dispute that the revenue record reflected the name of one of the vendors in the sale deed dated 05.12.1975, the petitioners are entitled to step into his shoes. There is no rival claim in this case. The question of the petitioners filing any execution petition does not arise at all. The suit was for declaration and the appeal also eventually came to be dismissed. The petitioners figured as defendants in the suit. Lakshmiammal, Jayamani, Maragathammal figured as defendants in the suit. The question of them filing the execution petition does not arise at all. The Sub Collector has completely misdirected himself both in law as well as on facts. The impugned order is set aside. The respondents are directed to enter the names of the petitioners in the relevant revenue record. This shall be done immediately and without any delay.

4. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

29.08.2023

Index : Yes / No
Internet : Yes/ No
rmi

G.R.SWAMINATHAN, J.

rmi

To

- 1.The Sub Collector,
Paramakudi,
Ramanathapuram District.
- 2.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
- 3.The Tahsildar,
(Natham Settlement),
Paramakudi,
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- 4.The Tahsildar,
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