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W.P.(MD)NO.6263 OF 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.6263 of 2015 AND
M.P.(MD)Nos.2 & 3 of 2015

1. Kachammal
2. Ammapillai

... Petitioners

Vs.

1. The District Revenue Officer,
Virudhunagar.
2. The Revenue Divisional Officer,
Aruppukkottai,
Virudhunagar District.
3. The Tahsildar,
Kariappatti Taluk,
Virudhunagar District.
4. Sikkanthar Ali

5. Julbikar Ali Khan

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned order vide Ni.Mu.P2/3427/2012 dated 10.01.2015 passed by the first respondent and quash the same.

For Petitioner : Mr.N.Mohan

For R-1 to R-3 : Mr.S.Shangavel,
Additional Government Pleader.

For R-4 & R-5 : Mr.G.Prabhu Rajadurai

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ORDER

Heard the learned counsel on either side.

2. The petition-mentioned lands originally stood in the name of Muthukumaran Ambalam. He was blessed with three sons, namely, Periyasamy, Karanam and Rajendran. Periyasamy had two wives, namely, the petitioners herein. Periyasamy executed settlement deeds in favour of the petitioners herein and patta was mutated in their names. Questioning the same, the private respondents moved the Tahsildar, Kariappatti Taluk for deleting the names of the petitioners herein and for adding their names. The Tahsildar, Kariappatti accepted the application submitted by the private respondents and added the names of respondents 4 and 5 in the revenue record along with that of the petitioners herein. Aggrieved by the same, the petitioners moved the Revenue Divisional Officer, Aruppukkottai. The Revenue Divisional Officer confirmed the order passed by the Tahsildar, Kariappatti. Challenging the same, the petitioners moved the District Revenue Officer, Virudhunagar who dismissed the



revision petition vide order dated 10.01.2015. Challenging the same, the present writ petition came to be filed.

3. The learned counsel appearing for the writ petitioners reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned order and grant relief as prayed for.

4. The learned Additional Government Pleader appearing for the official respondents as well as the learned counsel appearing for the private respondents submitted that the impugned order do not warrant any interference. They pressed for dismissal of the writ petition.

5. I carefully considered the rival contentions and went through the materials on record.

6. On the last occasion, I posed a specific question to the learned Additional Government Pleader as to whose name was found in the revenue record originally. It was clarified



that the revenue record reflected the name of Muthukumaran Ambalam and after his demise, during UDR, the name of Periyasamy was entered. Even though Muthukumaran Ambalam had three sons, namely, Periyasamy, Karanam and Rajendran, the name of Periyasamy alone was entered in the revenue record during UDR. Neither Karanam nor Rajendran sought correction in the said UDR entry by filing revision before the competent authority, namely, the District Revenue Officer. They kept quiet. According to the petitioners' counsel, since in oral partition, the petition-mentioned property was allotted to the share of Periyasamy, his name was entered in the revenue record during UDR. Karanam and Rajendran had sold undivided share in the petition-mentioned lands in favour of the private respondents in the year 1981. It is not known as to whether the UDR entry was made before the alienation or after. Be that as it may, the purchaser also did not seek correction in the UDR by petitioning the District Revenue Officer. After patta was issued in favour of the petitioners herein, the private respondents woke up in the year 2010. They could have moved the District Revenue Officer. Instead they moved the Tahsildar who was not



competent to grant relief. When the settlement was executed in favour of the petitioners herein, their husband Periyasamy's name was in the revenue record. The Tahsildar, Kariappatti was not competent to make any change in the UDR. Hence, the order impugned in this writ petition stands set aside. I direct the third respondent to restore the original position that obtained during UDR. In other words, the name of Periyasamy will be reflected. It is for the aggrieved parties to move the jurisdictional civil Court for appropriate relief. I make it clear that I have not gone into the issue of title. This writ petition stands allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

13.09.2023

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

PMU

G.R.SWAMINATHAN,J.



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PMU

To:

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Virudhunagar.
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