



W.P(MD)No.838 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.838 of 2015

and

M.P(MD)No.1 of 2015

S.Ambujam

... Petitioner

Vs

1.The District Revenue Officer,
Karur District,
Karur.

2.The Revenue District Officer,
Karur,
Karur District.

3.The Tahsildar,
Karur Taluk,
Karur District.

4.Malaiyammal

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records in pertaining to the proceedings of first respondent to call for the records in



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Na.Ka.C3/21689/2012 dated 17.02.2014 and quash the same and consequently direct the respondents to include the S.No.112/4 extent of 0.79.5 Hectares Acre 1.96 1/2 at Puthampore Village in petitioner's patta no.91.

For Petitioner : No Appearance

For Respondents : Mr.S.RA.Ramachandran
Additional Government Pleader
for R.1 to R.3

ORDER

None appeared for the writ petitioner on the earlier occasion. The matter has been posted under the caption “for dismissal”. Today also there is no representation.

2. I went through the contents of the affidavit filed in support of the writ petition. The contesting respondent / the fourth respondent has not been served. The fourth respondent may not have any interest in the subject matter. It appears that she had sold the petition mentioned property in favour of Sathiyavani and the said Sathiyavani in turn made alienation in favour of Murugaiyan and Perumal.

3. The learned Additional Government Pleader appearing for the official respondents states that the property comprised in Survey No.112/4 in



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Puthampore Village reflected the names of one Kuppanna Gounder and Regaye Gounder. Kuppanna Gounder had four sons, namely, Samiyappa Gounder, Muthusamy Gounder, Duraisamy Gounder and Ramasamy Gounder. The fourth son, namely, Ramasamy Gounder had two legal heirs, namely, Paulsamy and Subramaniam. The petitioner is the wife of Subramaniam.

4. The case of the petitioner is that during UDR her husband's name was entered in the revenue record in respect of Survey No.112/4. But the fourth respondent / Malaiyammal claims to have purchased the property from legal heirs of Samiyappa Gounder who was the eldest son of Kuppanna Gounder by way of a registered sale deed dated 11.06.1973. (Document No.2291/1973). *Prima facie* the petitioner thus appears to have right in the property. But then the District Revenue Officer, Karur did not want to interfere in the matter only for the reason that the petitioner had kept quiet for a number of years. She filed petition for the first time only on 03.12.2012. In the meanwhile, several alienations had taken place. The first respondent is of course wrong in casting the burden on the petitioner. She was not obliged to produce any document. The burden was rather on the opposite party. However, in view of sheer lapse of time, it is only just and proper the petitioner goes to the civil Court and establish her right.



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5. Granting liberty to the petitioner to move the jurisdictional civil Court and with the aforesaid observations, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

25.08.2023

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

To

- 1.The District Revenue Officer,
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Karur.
- 2.The Revenue District Officer,
Karur,
Karur District.
- 3.The Tahsildar,
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Karur District.



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G.R.SWAMINATHAN, J.

MGA

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