



W.P(MD)No.9451 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2023

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.9451 of 2015

and

M.P.(MD)No.1 of 2015

K.Jawahar

... Petitioner

**Vs.**

1.The District Collector,  
Madurai District,  
Madurai.

2.The District Revenue Officer,  
Madurai District,  
Madurai.

3.The Revenue Divisional Officer,  
Madurai District,  
Madurai.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call the records in connection with the 2nd respondent s impugned order in Na.Ka. No. 8558/2015/G2 dated 13.03.2015 and quash the same as illegal and arbitrary, within the time limit that may be stipulated by this Court.



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For Petitioner : No appearance

For Respondents : Mr.S.RA.Ramachandran  
Additional Government Pleader

### **ORDER**

None appeared for the petitioner. The case is posted under the caption 'for dismissal'. Even today, there is no representation.

2. I went through the contents of the affidavit filed in support of the writ petition. The petitioner's mother executed a deed of settlement in his favour in the year 1996. Patta was mutated in his favour. Thereafter, in the year 2012, it was unilaterally cancelled. That led to issuance of the joint patta. Questioning the proceedings dated 21.07.2014 issued by the Revenue Divisional Officer, Madurai, the petitioner filed revision before the District Revenue Officer, Madurai. The District Revenue Officer, Madurai declined to interfere on account of pendency of the civil suit between the parties. Challenging the same, this writ petition came to be filed.

3. Since unilateral cancellation has been held to be bad in law, the case deserves to be allowed. However, two factors come in the way.

The first is institution of O.S.No.348 of 2014 on the file of the



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District Munsif Court, Melur in which the deed of cancellation had been mutated. The petitioner had not questioned the unilateral cancellation in this writ petition.

Secondly, neither his mother nor his sibling had been impleaded as parties.

If I allow the writ petition by setting aside the impugned order, that would mean that the names of the other pattadhars will have to be deleted. That cannot be done behind their back. Since the petitioner failed to implead his siblings and his mother and he has also not challenged the unilateral cancellation, he has to necessarily work out his right in O.S.No.348 of 2014 on the file of the District Munsif Court, Melur. It is not known if the said suit is pending or disposed of. Be that as it may, the petitioner's right will abide by the outcome of the civil suit. Based on the judgment in the civil suit, the revenue authorities will mutate the revenue record accordingly.

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

**24.08.2023**

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

rmi

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