



W.P(MD)No.11361 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.11361 of 2016 and
WMP(MD) No.8713 of 2016

M.Senthilkumar

...Petitioner

Vs.

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The District Revenue Officer,
Ramanathapuram District.
- 3.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
- 4.The Tahsildar,
Kamuthi Taluk,
Kamuthi.
- 5.S.Selvi @ Barathikannamma
- 6.M.Manimaran

...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 in respect of the second



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respondent dated 13.04.2016 in his proceedings ப.மு.பி5/20477/2014 and quash the order and to pass an order directing the respondents 1 to 3 to issue patta tot he petitioner and the sixth respondent and co-sharers to the lands to the extent of 32 cents in S.No.404/9A and S.No.404/9B of Veeramanchanpatti Village, Kamuthi Taluk, Ramanathapuram District.

For Petitioner	: M/s.S.Devasena
For R1 to R4	: Mr.T.Vilavankothai Government Advocate
For R5	:No appearance
For R6	:Mr.P.Mahendiran

ORDER

This writ petition is filed as against the order of the second respondent/District Revenue officer in Pa.Mu.B5/ 40477/ 2014 dated 13.04.2016 and for a consequential direction to the respondents 1 to 3 to issue patta to the petitioner and other co-sharers to the lands in S.No.404/9A and S.No.404/9B, Veeramanchanpatti Village, Kamuthi Taluk, Ramanathapuram District.



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2.The learned counsel appearing for the petitioner submits that a Revision petition has been filed before the third respondent to cancel the patta stands in the name of one Pambulu Naicker, S/o Sankarrappa Naicker. The third respondent by his order in Pa.Mu (A) (I)774/2013, dated 26.05.2014 rejected that application. Aggrieved over the same, the petitioner has filed an appeal before the District Revenue Officer. The District Revenue Officer has also rejected the same by his order in Pa.Mu. (P5)/40477/2014, dated 13.04.2016. Challenging the same, the present writ petition is filed.

3.The learned counsel appearing for the petitioner relying upon the Settlement Deeds executed by one C.Veeramallammal, dated 29.06.1944 and 13.10.1961 submits that the said C.Veeramallammal conveyed the maintenance rights of Thanga Vinayagar Temple and its lands to the legal heirs of one Valliammal, only for the purpose of conducting poojas and festivals alone and hence, she has no right to cancel the gift settlement dated



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29.06.1944. Without considering the same, the revenue authorities dismissed the claim of the petitioner for cancellation of patta and therefore this petitioner is before this Court.

4.The learned Additional Government Pleader appearing for the official respondents submits that after conducting detailed enquiry by way of scrutinizing the revenue records and examining the Village Administrative Officer and other interested parties the orders have been passed by the revenue authorities and hence there is no need to interfere with the order impugned in this writ petition.

5.This Court considered the submissions made by the learned counsel appearing for the petitioner and also perused the materials placed on record.

6.As per Rule 4(4) of the Tamil Nadu Patta Pass Book Rule, 1987, in the event that there is any dispute already pending and if the parties interested do not agree on the ownership in writing,



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the revenue authorities are expected to refer the parties before the competent Civil Court having jurisdiction before changing the entries already recorded. Since there is a civil dispute over the subject property, the petitioner has to approach the appropriate civil Court.

7. Accordingly, this writ petition is disposed of with a liberty to the petitioner to approach the competent civil court. No Costs. Consequently, connected Miscellaneous Petition is closed.

20.02.2023

Index: Yes
Internet: Yes
vrn



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To

WEB COPY

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B.PUGALENDHI, J.

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W.P(MD)No.11361 of 2016 and
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