



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 21.02.2023

Pronounced on : 26.06.2023

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THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24415 of 2022

and

WMP(MD)No.18510 of 2022

K.Badrinarayanan

... Petitioner

Vs.

**1.The District Revenue Officer,
Trichy.**

**2.The Revenue Divisional Officer,
Trichy.**

**3.The Tahsildar,
Trichy West Taluk Office,
Trichy.**

4.Muthiah

5.Umayal

6.C.N.Meenakshi

7.CT.Senthilnathan Chettiar

8.N.Muthulakshmi



9.N.Meena

10.Nalini Arulmozhi

11.L.S.Vadivel @ L.Senthil Vadivel

12.L.Chidambaram @ Kittu

... Respondents

(Respondents 8 to 12 were suo motu impleaded
vide order dated 21.02.2023)

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari Certiorari by calling for the entire records in connection with the impugned order of the 1st respondent in Na.Ka.B6/26635/2021 dated 07.10.2022 and quash the same and thus render justice.

For Petitioner : Mr.G.Rajagopal, Senior Counsel
for Mr.K.K.Senthil

For Respondents: Mr.R.Baskaran,
Additional Advocate General
assisted by A.K.Manikkam,
Special Government Pleader for R1 to R3

Mr.Hemakarthiskeyn for Mr.R.Murugan
for R4

Mr.J.Bharathan for R5

Mr.Chithra Sampath, Senior Counsel
for Mr.Hemakarthiskeyan for R6



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Mr.V.Karthik, Senior Counsel
for Mr.P.Prasanna Vinoth for R7

Mr.V.G.Sureshkumar
for impleaded respondents R8 to R12

ORDER

Heard both sides.

2.The case of the writ petitioner is as follows :

The petitioner's great grandfather S.Krishnasamy Iyengar purchased 13.66 acres out of 26.55 acres in Old Survey No.281 and 20.7 acres out of 56.25 acres in S.No.282 in Piratiyur Village, Edamalaipatti, Trichirappalli District vide sale deed dated 06.11.1920 (Document No. 2909 of 1920) from one Venkatachalam. After his demise, his sons K.Rajagopalachari, K.Srinivasan and K.Rengasamy Iyengar succeeded to the estate. There was a partition suit between them in O.S No.224 of 1948 on the file of the Sub Court, Trichirappalli. Preliminary decree was passed on 22.02.1950. The petitioner as the grandson of the first plaintiff K.Rajagopalachari has filed final decree petition. After coming to know that patta is standing in the name of third parties, he submitted an



application dated 31.03.2018 for cancellation of their patta and for issuing in the name of his grandfather. He filed WP(MD)No.2418 of 2020 for directing the revenue authorities to conclude the enquiry. The writ petition was disposed of on 17.08.2020 in the following terms :

“4.....

(i) the petitioner as well as the private respondents 5 to 15 shall furnish their documents including the copy of the application submitted before the first respondent to the second respondent/Revenue Divisional Officer within a period of two weeks from the date of receipt of copy of this order.

(ii) On such receipt of the same, the second respondent/Revenue Divisional Officer shall conduct the enquiry after putting the petitioner as well as the private respondents on notice and after providing due opportunity and pass orders on merits and in accordance with law as expeditiously as possible, preferably, within a period of four months thereafter.

(iii) If both the parties have any difficulties, they shall submit their version either through postal or in person before the third respondent.”

Pursuant to the said direction, the Revenue Divisional Officer conducted enquiry and vide proceedings dated 27.07.2021 called upon the



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jurisdictional Tahsildar to send appropriate proposals by taking into account the impact of land reforms laws. Challenging the said order, revisions were filed before the District Revenue Officer, Trichirappalli who vide order dated 07.10.2022 directed mutation of patta in favour of the legal heirs of one Chidambaram Chettiar. Challenging the same, the present writ petition came to be filed.

3.The learned Senior Counsel appearing for the petitioner 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 allow the writ petition. Per contra, the learned Additional Advocate General appearing for the official respondents submitted that the impugned order does not warrant any interference. The learned Senior Counsel and counsel for the private respondents put forth their submissions.

4.I carefully considered the rival contentions and went through the materials on record. The facts that led the DRO to direct mutation of the revenue record in favour of the legal heirs of Chidambaram Chettiar have to be narrated first.



5.Chidambaram Chettiyar purchased the subject lands vide registered sale deed dated 12.04.1935. The property comprised in Survey No.282 was sold in favour of one Andiyappan vide registered sale deed dated 26.03.1960. Chidambaram Chettiyar passed away in the year 1964 leaving behind his wife, three sons and three daughters [Sivagami (wife), Subramanian, Palaniappan, Senthilnathan (sons), Meenakshi, Umayal Achi and Valliammai Achi (daughters)] as his legal heirs. Andiyappan sold the land in Old S.No.282 in favour of Meenakshisundaram and Sivagami Achi Vide sale deed dated 09.06.1970. Meenakshisundaram, husband of Umayal Achi, was the son-in-law of Chidambaram Chettiyar. Sivagami Achi was the grand daughter of Chidambaram Chettiyar born through Valliyammai Achi. From Meenakshisundaram and Sivagami Achi, the petitioners in WP(MD)Nos.24742 , 24743, 24744 and 24745 of 2022 (V.Ananthanayagi, P.Rajammal, K.Velusamy and K.Samikannu) traced their title. They had purchased their respective lands vide registered sale deeds in the year 1983. The purchasers claimed that they had taken possession of the purchased lands. Revenue Records were mutated in their names. Their names also find place in the “A” Register. However, their rights came under cloud on account of the final outcome of the partition suit (C.S No.83 of 1965) filed by Meenakshi Achi daughter of Chidambaram Chettiyar before the Madras High Court on the Original Side.



The defendants were the other members of the family of Chidambaram Chettiar. The lands purchased by Ananthanayagi and others got included in the suit schedule subsequently. The suit eventually culminated in OSA Nos. 60, 61, 138 and 139 of 2017. The purchasers got themselves impleaded as R34 to R37 in the OSA. OSAs were disposed of on 21.02.2019 and final decree was passed in the following terms :

“17....

(i) A final Decree is now passed in terms of the Memo of Compromise dated 22.07.2015 already filed by the parties except in respect of item (a) of Schedule III to the plaint which is the subject matter of the present appeals;

(ii) The allotment to the parties in the subject property, that is, item (a) in the III Schedule to the plaint, will be as shown in the sketch now annexed herewith, whereby Bit No.1 is allotted to the Plaintiff; (b) Bit No.2 to the Legal Heirs of the 1st defendant; (c) Bit No.3 to the Legal Heirs of the 2nd defendant; (d) Bit No.4 to the 3rd defendant; (e) Bit No.5 to the Legal Heirs of the 5th defendant; (f) Bit No.6 to the Legal Heirs of 6th defendant; and (g) the pathway access measuring three Acres along the Southern Boundary of Bit No.1 is hereby allotted to the 1st respondent herein, namely Good Shepherded Evangelical Mission Private Limited. Except the allotments now made in the subject property, in all other respects the provisions in the Compromise Memo dated 22.07.2015 will be binding on all the sharers and be given effect;

(iii) The first respondent is hereby impleaded as party respondent in those proceedings for the above purpose;



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(iv) In respect of any other dispute among the legal heirs of any of the original defendants or in respect of any claim by any third party, the same may be agitated independently in the manner known to law;

(v) The sale deed dated 26.03.1960, by which the original estate owner T.S.P.L.P. Chidambaram Chettiar transferred the subject property to the name of the 7 th defendant, Andiappan, already having been declared as sham and nominal by the judgment and decree dated 21.11.1977 and the same having become final, all sales further to the same are hereby declared as null and void and not binding on the Estate of the sharers;

(vi) Any sale deed executed by any of the parties or their legal heirs, pendente lite, in respect of any portion of the 'subject property' shall not, in any manner, affect the title or interest of any of the allottees under the judgment and allotments made hereby will prevail;

(vii) The Joint Compromise Memos filed by the parties on 22.07.2015 and on 07.02.2002 shall form part of the final decree; and

(viii) The suit is finally disposed of by this Final Decree and the parties are directed to bear their own costs. (ix) Since the matter is pending from the year 1965, if any obstruction is made by any third party, necessary police protection shall be given to the parties to take possession of their respective shares."

6.Availling the liberty set out in Clause (iv) of the said OSA judgment, the purchasers (Ananthanayagi and others) filed O.S No.963 of 2022, O.S No. 504 of 2021, O.S No.964 of 2022 and O.S No.536 of 2021 on the file of the Sub Court, Trichirappalli. In the meanwhile, application was submitted by some of the legal heirs of Chidambaram Chettiar before the jurisdictional RDO for



mutation of patta. Since it was negatived vide order dated 27.07.2021, they filed revision before the DRO. On 07.10.2022, the District Revenue Officer passed the impugned order. The writ petitions filed by the purchasers was disposed of by me by relegating them to work out their rights in the pending civil suits.

7. According to the petitioner, the property belonged to his great grandfather Krishnasamy Iyengar and not to Chidambaram Chettiar. If that be so, the claim has to be established before the civil court. The revenue authority will pose only one question. Whether the name of the applicant before him or that of his predecessor-in-title or interest was there in the revenue record in the recent past ?. The revenue authority's function while effecting mutation is to ensure continuity. The applicant must be able to show a direct link with the persons whose names were found in the revenue record. The petitioner has not placed any material before me that the name of his grandfather or great grandfather ever figured in the revenue record. Substantial title disputes cannot be resolved or adjudicated by the revenue authority. The petitioner wants the revenue authorities to undertake such an exercise. The impugned order is a fallout of the judgment of the Hon'ble Division Bench rendered in OSA Nos.60, 61, 138 and 139 of 2017. The writ court cannot interfere with the impugned order.



8. Granting liberty to the petitioner to work out his rights before the civil court, the writ petition is dismissed. Connected miscellaneous petition is closed.

26.06.2023

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

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Trichy.
2. The Revenue Divisional Officer,
Trichy.
3. The Tahsildar,
Trichy West Taluk Office,
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G.R.SWAMINATHAN, J.

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