



W.P(MD)No.24594 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 04.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24594 of 2022

and

W.M.P.(MD)Nos.18667 and 18669 of 2022

P.Marimuthu

... Petitioner

Vs.

1.The District Revenue Officer,
Tenkasi District.

2.The Tahsildar,
Sankarankovil Taluk,
Sankarankovil,
Tenkasi District.

3.B.Lakshmi

4.Selvaraj

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the Impugned order in Ni.Mu.Ka.No.1/335/2002 dated 30.09.2022 on the file of the 1st Respondent and quash the same.



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For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.M.Sidharthan,
Addl. Government Pleader for R1 & R2.
Mr.M.Ramu for R3.
Mr.I.Robert Chandra Kumar for R4.

ORDER

Heard both sides.

2.The case of the petitioner is that the father of the fourth respondent Vishwanathan Pillai owned 96 cents of land in the petition mentioned survey number. The petitioner traces the title of his vendor through two sources. Vide one sale deed dated 17.12.1971, the northern half measuring 48 cents of land was purchased by Vishwanathan Pillai. Vide another sale deed dated 29.06.1973, the southern half was purchased. During UDR, the name of Vishwanathan Pillai was entered. Subsequently, he was also granted with patta. Based on these documents, the petitioner purchased the property in the year 2018.



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3.The third respondent claims that she is entitled to the entire 96 cents. Admittedly, before UDR, the name of one க.லட்சுமி was mentioned. The third respondent claims that she is the class II legal heirs of the said க.லட்சுமி. She applied for correcting the UDR. The first respondent vide order dated 30.09.2022 directed that UDR will be corrected by entering the names of Vishwanathan Pillai as well as க.லட்சுமி and that the name of the third respondent can be entered after she proves that she is class II legal heir of the said joint pattador.

4.I fail to understand the approach adopted by the first respondent. It is the third respondent who had applied for correction in UDR. When the third respondent's rights have not been firmly established, the question of entertaining her application does not arise at all. In fact, the condition precedent for considering the third respondent's application would be that she must in the first instance show that she is the legal heir of the original pattador. Without the third respondent establishing the same, a contingent order has been passed. A revenue authority is not expected to pass such contingent orders.



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5. Admittedly, the third respondent has already filed O.S.No.54 of 2023 on the file of Sub Court, Sankarankovil. It is now said to be posted for trial. The third respondent can very well pursue her remedy there.

6. On the ground mentioned above, the impugned order is set aside. I make it clear that the outcome of this writ petition will not strengthen the hands of the petitioner in the pending suit nor weaken the hands of the third respondent. The civil Court will decide the issue entirely on its own and on the strength of the evidence adduced before it.

7. With these observations, the impugned order is set aside and writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

04.12.2023

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

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