



W.P(MD)No.24375 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.10.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24375 of 2023

R.Ravindran

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Theni District,
Theni.

2.The Jamabanthi Officer,
BC, MBC & Minorities Welfare Officer,
Theni Taluk,
Theni.

3.The Tahsildar,
Theni Taluk,
Theni.

4.The Zonal Deputy Tahsildar,
O/o Theni Taluk Office,
Theni.

... 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 record of the 3rd respondents impugned order in Na.Ka.No. 5622/2023/A2 dated 23.08.2023 and quash the same as devoid of merits, consequentially directing the 1st respondent to direct the 3rd respondent to delete the name of the petitioners deceased father Late.Thiyagi.P.B.Ramasamy Naidu died on 03.12.2011 in Patta No.1611 for the property in Survey No. 370/2, 370/3,



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370/5, 588/1 and 588/2 an extent of 11 Acres 69 Cents in Koduvilarpatti Village, Theni Taluk, Theni District by considering his representation dated 18.05.2023, within the period stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

For Respondents : Mr.C.Satheesh
Government Advocate for R1 to R4

ORDER

Heard both sides.

2. The case of the petitioner is that the name of the father Thiyaagi.P.B.Ramasamy Naidu should be deleted from patta No.1611. The authority took the stand that since the civil suit is pending, the issue cannot be decided now.

3. The petitioner's counsel would state that Ramasamy Naidu admittedly is no more and that based on the Will executed by him, the names of his sons have been included in that patta and that therefore, the only relief now sought for by the petitioner is for deleting of the name of their deceased father.

4. The petitioner's contention appears to be attractive. But on a deeper consideration, I fail to understand as to how the Tahsildar, Theni proceeded to act on the Will said to have been executed by Thiyaagi.P.B.Ramasamy Naidu when there are rival claimants. Be that as it may, since O.S.No.172 of 2022 has



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been filed by one Renganayaki, the authority rightly took the view that at present, no change will be made in the revenue record. In the impugned communication dated 23.08.2023, there is a reference to the dismissal of O.S.No.27 of 2015 and the pendency of the application for its restoration. Late.Thiyagi.P.B.Ramasamy Naidu had four sons and five daughters. It appears that while the property had been bequeathed only in favour of the sons and the daughters have been excluded, the daughters have raised dispute before the civil Court. Without the civil court finalizing the issue, the question of making any further change in the revenue record does not arise. In fact, the authority should have taken this decision when the application for mutation of patta was made in the first instance. Be that as it may, the rights of the parties will abide by the outcome of the civil suit.

5. With this observation, the writ petition is dismissed. No costs.

09.10.2023

Index : Yes / No
Internet : Yes/ No
rmi



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G.R.SWAMINATHAN, J.

rmi

To

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