



W.P.(MD) No.26311 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :21.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.26311 of 2022

and

W.M.P.(MD) Nos.20480 to 20482 of 2022

Pappathy

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Sivagangai.

2.The Tahsildar,
Sivagangai.

3.N.Vairavan

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceeding No.Pa.Mu.A3/1276/2022 of the 3rd respondent dated 03.11.2022 and quash the same.

For Petitioner : Mr.B.Prahalat Ravi



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For R1 & R2 : Mr.C.Sathesh
Government Advocate

For R3 : No appearance

ORDER

Heard the learned counsel for the writ petitioner and the learned Additional Government Pleader for the respondents 1 and 2. The third respondent has been served and his name is printed in the cause list, but he has not chosen to enter appearance.

2.The third respondent applied to the first respondent for inclusion of his name in the patta in respect of the petition mentioned land. His request was accepted and the impugned order was passed to that effect. The same is challenged by the petitioner on the grounds set out in the affidavit filed in support of this writ petition.

3.The first ground taken by the writ petitioner is that the impugned order was passed without hearing her. The second ground is that a civil suit is pending between the parties and therefore, the Revenue Authority ought not to have interfered at this stage.



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4. Even though both the contentions were attractive, I decided to hear the matter on merits. I called upon the petitioner to place the order, by which her name was entered in the revenue records. Copy of the said order dated 28.07.2021 passed by the Headquarters Deputy Tahsildar, Sivagangai, has been enclosed in the typed set of papers. It is seen therefrom that the incumbent pattadhars were shown as i) C.Narayanan and ii) B.Arumugam. When the mutation was made, the name of C.Narayanan could not have been deleted. To this extent, the order dated 28.07.2021 was erroneous and it was rightly interfered with by the first respondent. But then, while doing so, the first respondent erred in restoring the name of B.Arumugam, the deceased husband of the writ petitioner. I therefore modify the impugned order and I direct that joint patta will reflect the names of C.Narayanan and Pappathi.

5. At this stage, the petitioner's counsel pointed out that the name of C.Narayanan was erroneously included during UDR. If that be so, this error could have been corrected only by the jurisdictional District Revenue Officer and not by the Headquarters Deputy Tahsildar.



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6.The impugned order is modified to the extent mentioned above.

I make it clear that the rights of the parties will depend upon the outcome of the civil suit that is now said to be pending. If the petitioner succeeds in the civil suit, then the Revenue Authorities are bound to make mutation in terms of the civil Court's decree.

7.The Writ Petition is partly allowed, accordingly. The learned Principal District Munsif, Sivagangai, is directed to disposed of O.S.No.163 of 2022 on merits and in accordance with law within a period of 12 months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

21.12.2023

NCC :No
Internet :Yes
Index :No

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Note :- Registry to mark a copy of this order
to the learned Principal District Munsif, Sivagangai.



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- 1.The Revenue Divisional Officer,
Sivagangai.
- 2.The Tahsildar,
Sivagangai.



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G.R.SWAMINATHAN, J.

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