



W.P No.26976 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.26976 of 2024

1. Kannammal
2. Saravanammal
3. Arumugam

..Petitioners

Vs.

1. The District Collector,
Krishnagiri District,
Krishnagiri.
2. The District Revenue Officer,
Krishnagiri District,
Krishnagiri.
3. The Sub Collector,
Hosur,
Krishnagiri District.
4. The Tahsildar,
Anchetty Taluk,
Krishnagiri District.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 2 and 4 to consider and dispose the petitioners representation dated 01.08.2024 and consequently directing them to remove the name of Mrs.Meena and others from the patta Nos.1606 and 2584 on the file of the 4th respondent and restore out name in the previous status dated 28.02.2022 concerned with the land in S.No.576/1A, and S.No.576 1F total to an extent of 1.40 acres situated at Anchetty Village, Anchetty Taluk, Krishnagiri District within the stipulated time.

For Petitioners : Mr.R.Balaguruswamy

For Respondents : Mr.A.Selvendran for R1 to R4
Special Government Pleader

ORDER

The petitioners herein seeks a direction to the respondents 2 & 4 to consider their representation dated 01.08.2024 and for consequential direction to the respondents to remove the name of Meena and others, legal heirs of the petitioners' paternal uncle P.Konappan from the revenue records pertains to the land in S.Nos.576/1A and 576/1F at Anchetty Village, within a time frame fixed by this Court.



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2. According to the petitioners, their paternal uncle Perumal

Gounder owned about 2.02 hectares of land in S.No.576/1. He had three sons namely, P.Konappan, P.Krishnan and P.Mariappan. During his life time, by way of oral partition, his sons were allotted with an extent of 0.70 cents of land each. Later, P.Konappan conveyed his share of 0.70 cents in favour of Mariappan by way of unregistered sale deed on 06.05.1981. Accordingly, the petitioners' father Mariappan was entitled to 1.40 acres in the above mentioned survey numbers. Later on the name of the petitioners' father Mariappan was entered in the revenue records. After the death of Mariappan, based on the representation of his legal heirs, the name of the petitioners have been included in the revenue records. Subsequently, at the instance of the legal heirs of P.Konappan, the fourth respondent included their names also in the revenue records, along with the petitioners' name. Aggrieved by the same, a Writ Petition was filed by the petitioners in W.P.No.20577 of 2022 and the same was disposed of with a direction to the parties to approach the Civil Court, for resolving the dispute. The relevant observations at Para Nos.3 to 5 of the order in W.P.No.20577 of 2022 reads as follows:

“ 3. On perusal of the entire order, in this regard, from the factual aspects, it appears that there is a dispute between the legal heirs in respect of the entry in the



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revenue records. The property was owned by one Perumal Gounder. He had three sons, namely P.Konappan, P.Mariappan and P.Krishnan. During the submissions, when the Court posed various questions, it was the contention of the learned counsel for the Writ Petitioners that Konappan had sold his share by way of an unregistered sale deed in favour of Mariappan. Therefore, Mariappan is in the possession. Such being the position, Konappan legal heirs sought to include their names in the revenue records. Therefore, challenging the same, the writ petition is filed.

4. From the nature of the documents, particularly the revenue records it would indicate that the dispute is with regard to the shares of the parties.

5. In such view of the matter, instead of referring the revenue proceedings, let the parties approach the Civil Court to establish their rights. Whatever orders passed by the Revenue Authorities in this regard, will not bind on all the parties. The Civil Court, on such a suit being filed, decides the matter based on the parties rights.”



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3. Subsequently, again the petitioners submitted a representation to the respondents 1 to 4 seeking deletion of names of legal heirs of Konappan from the revenue records. This Court already disposed the Writ Petition filed by the petitioners stating that the dispute shall be resolved by the parties by approaching the Civil Court. Therefore, instead of approaching the Civil Court to establish their right over the property, the petitioners are not entitled to file a writ petition seeking deletion of names of legal heirs of Konappan in the Revenue records. Hence, this Court is not inclined to accede to the prayer made in this Writ Petition. Therefore, it is open to the petitioners to establish their rights over the subject property before the Civil Court and then seek mutation of revenue records based on Civil Court's findings.

4. Accordingly, this Writ Petition stands dismissed. No costs.

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(½)

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
dna



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To

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S.SOUNTHAR, J.

dna

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