



W.P.No.24213 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.24213 of 2017
and
W.M.P.No.25589 of 2017

M.Gopal

... Petitioner

versus

1.The District Revenue Officer,
Collectorate,
Villupuram.

2.The Revenue Divisional Officer,
Collectorate,
Villupuram.

3.The Revenue Tahsildar,
Kallakurichi Taluk,
Villupuram District.

4.Lakshmi

5.Pachamuthu

6.Jayaraman

7.Annamalai

8.Gandhimathi

.....Respondents

Pg.Nos.1/7



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Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorari calling for the records of the first respondent pertaining to the proceedings in Na.Ka.No.A3/13951/2012 dated 27.05.2017 and quash the same.

For Petitioner : Mr.P.Valliappan
For Respondents : Mr.A.Selvendran
Special Government Pleader
for R1 to R3

Mr.A.G.Rajan
for R4 to R7

No appearance for R8

ORDER

This writ petition has been filed to quash the proceedings of the first respondent vide Na.Ka.No.A3/13951/2012, dated 27.05.2017.

2. The learned counsel for the petitioner contended that the petitioner's great grandfather is the original owner of the properties in S.No.272/2 measuring to an extent of 86 cents situated in Vilambar Village, Kallakurichi Taluk. Thereafter, his successors in interest were enjoying the



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said properties as per their entitlement. While so, an extent of 11 cents in the said survey number was inherited to the petitioner's father, thereafter, the petitioner and her brother have inherited the same. While that being so, the respondents 4 to 8 herein, without any right over the property in question, approached the second respondent seeking to include their names in the joint patta. However, the second respondent rejected the said application stating that respondents 4 to 8 have not produced any parent document. Challenging the same, respondents 4 to 8 herein have filed a revision before the first respondent claiming title and interest over the subject property simply relying on the oral sale deed. That apart, the suit filed by the private respondents in O.S.No.138 of 2012 on the file of the Principal District Munsif Court, Kallakurichi, had been dismissed for default. The learned counsel further submitted that the private respondents herein are claiming title only through the petitioner and they have not produced any documents to prove their title. Without considering the same, the first respondent has passed the impugned order for mutation of Patta and directed the petitioner to approach the Civil Court. Hence, the impugned order is liable to be set aside.



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3. The learned Special Government Pleader appearing for the respondents 1 to 3 submitted that the petitioner has not produced any document to show that he alone is entitled to the subject property. Despite having given sufficient opportunity to the petitioner to produce the document, he failed to produce the same and hence, the first respondent has passed the impugned order.

4. The learned counsel appearing for respondents 4 to 7 submitted that based on the sufficient documents produced by respondents 4 to 7 to prove their title and interest over the subject property, the impugned order came to be passed.

5. Heard both sides and perused the materials available on record.

6. On a perusal of the impugned order it is seen that the petitioner has not produced any document to prove that he alone is entitled to the subject property and his name alone should be found place in the Patta. It is not clear as to what are the documents which are produced by the petitioner



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have not been considered by the first respondent. In the absence of the documents produced by the petitioner to prove his entitlement to the subject property, this Court does not find any perversity or infirmity or irregularity in the impugned order passed by the first respondent and hence, this writ petition is liable to be dismissed. However, the petitioner is at liberty to work out his remedy in the manner known to law for establishing his title before the competent Civil Court

7. With the above liberty, the writ petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

05.02.2024

Index: Yes/No
Speaking Order : Yes/No
Neutral Citation Case : Yes/No

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Pg.Nos.5/7



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To

- 1.The District Revenue Officer,
Collectorate,
Villupuram.
- 2.The Revenue Divisional Officer,
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- 3.The Revenue Tahsildar,
Kallakurichi Taluk,
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P.VELMURUGAN, J.

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