



W.P(MD)No.222 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.222 of 2024

Petchiammal

... Petitioner

-Vs-

1.The State of Tamil Nadu,
rep. by the District Revenue Officer,
Tirunelveli District,
Tirunelveli.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Tirunelveli District.

3.The Tahsildar,
Tahsildar Office,
Tirunelveli Taluk,
Tirunelveli District.

4.The Village Administrative Officer,
55, Gangaikondan (Part-I) Village,
Tirunelveli District.

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the third respondent to consider the petitioner's representation/petition dated 25.04.2019 and pass appropriate orders, within a time stipulated by this Court.



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For Petitioner : Mr.P.M.Vishnuvarthanan
For Respondents : Mr.R.Gandhi Raj
Spl. Govt. Pleader

ORDER

The writ petition is filed seeking for issuance of a Writ of Mandamus directing the third respondent to consider the petitioner's representation/petition dated 25.04.2019 and pass appropriate orders, within a time stipulated by this Court.

2.Mr.R.Gandhiraj, learned Special Government Pleader takes notice for the respondents. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3.The case of the petitioner is that the property in S.No.74/2 measuring an extent of 11.30 Acres situated in Gangaikondan village (part-1), Tirunelveli District originally belonged to one Ramalinga Iyer. The said Ramalinga Iyer had two sons, namely, Seetharam Iyer and Kuppa Iyer (deceased). Among the above said Seetharam Iyer and the legal heirs of the Kuppa Iyer entered into a registered partiion deed, in Doc.No.910/1946



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dated 30.05.1946, by which, 3 Acres land was allotted to the said Seetharam Iyer and 8.30 Acres of land was allotted to the legal heirs of the said Kuppu Iyer and the partitions were effected between the legal heirs of the deceased Kuppu Iyer. The 3 acres of the land allotted to the share of the Seetharam Iyer was sub divided as S.No.74/2. Thereafter, vide registered sale deeds dated 11.05.1950 and 21.09.1950 the property measuring an extent of 8.30 acres was purchased in the name of Muthaiha Thevar and Veyilammal. After the said purchase, one Muthammal and Muthusamy Velar purchased the remaining 3 Acres of the land from the legal heirs of the said Seetharam Iyer, namely, Kasi Iyer vide Doc.No.1380/1950 dated 04.11.1950. Subsequently, in the year, 1962 vide document No.244/1962 dated 22.02.1962, the aforesaid Muthammal purchased the share of the Muthusamy Velar and became absolute owner of the entire extent of the property in S.No.,74/2 measuring an extent of 3 Acres. After the above said purchase in 1962 and in between the UDR scheme in the year 1983, the aforesaid property in S.No.74/2 was sub divided as S.No.74/2D being 3 Acres of land purchased by Muthammal. The other sub-division of property in S.No.74/2A, 74/2B, 74/2C, 74/2E, 74/2F, 74/2G and 74/2H is measuring an extent of 8½ Acres. The afore said Muthiah Thevar and Veyilammal died



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leaving being their legal heirs viz their sons. Some of the legal heirs already predeceased Muthiah Thevar and Veyilammal. In the meanwhile, during UDR scheme, the sub-divisional survey numbers and their entries were wrongly made in respect of sub divisional survey number 74/2A, 74/2B and 74/2C. While so, the Tamil Nadu Backward and Minority Welfare Department acquired the land in S.No.74/2E, 74/2F, 74/2G & 74/2H measuring an extent of 6.85 Acres vide their proceedings in Na.Ka.Ku.No. 8-56862/99 dated 17.11.2000 and the same was subsequently registered as Doc.No.26/2001, 27/2001, 28/2001 & 36/2001 dated 10.01.2001 and 11.01.2001 respectively. The Department of Minority Welfare, for their convenient merged the survey No.74/2E, 74/2F, 74/2G & 74/2H measuring an extent of 6.85 Acres as a single survey number as 74/2E. As such, out of the total extent of 8.30 Acres, the remaining extent after the acquisition of 6.85 Acres, the petitioner jointly enjoying 1.47 Acres in S.No.74/2A, 74/2B and 74/2C.

4. The further case of the petitioner is that one Sankara Iyer, falsely made a claim petition and registered a power of attorney as if, he is the original Sankara Iyer S/o Kuppu Iyer being one of his legal heirs and he



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filed a Civil Suit in O.S.No.310 of 2015 before the District Munsif Court, Tirunelveli. During the UDR Scheme, entries were wrongly made in respect of the property in S.No.74/2A, 74/2B and 74/2C and wrongly patta has been issued in the name of the Muthammal (Patta No.1214) and Sankara Iyer (Patta No.378) as they have purchased only the property in S.No.74/2D way back in 1950. As far as the property in the name of the Sankara Iyer is concerned, already he sold the property, along with his brothers to the petitioner's predecessor in title. Therefore, the petitioner has made a representation to the third respondent seeking to modify the entries and to cancel the patta No.1214 and Patta No.378 and the same has not been considered. Hence, the petitioner filed an appeal before the second respondent, which was also dismissed by observing that fresh representation to be made along with the supportive documents for seeking necessary changes in the patta. Aggrieved over the same, the petitioner has preferred revision before the first respondent. The first respondent, vide order dated 06.08.2018 disposed the said revision and directed the petitioner to abide by the out come of the said suit filed by the forged Sankara Iyer. The said suit was dismissed on merits on 04.12.2018 for want of title document. Thereafter, the petitioner once again approached the first respondent on the



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strength of the dismissal order of the said suit, who in turn forwarded the same to the file of the Deputy Collector, Tirunelveli vide order dated 02.05.2019. The Deputy Collector once again forwarded the same to the third respondent vide order dated 08.07.2019. The third respondent sought for detailed filed inspection report from the fourth respondent being the Village Administrative Officer. Thereafter, the third respondent has not passed any orders. Hence, the petitioner has filed the present writ petition with the aforesaid relief.

5.The learned Special Government Pleader appearing for the respondents would submit that the representation of the petitioner has been considered and rejected. In this regard, he has produced a copy of the proceeding of the third respondent/Tashildar dated 07.01.2024. According to the respondents, they can issue joint patta by including the name of the petitioner's grandfather and grandmother, namely, Muthiah Thevar and Veyilammal. Further, the third respondent has stated that since the petitioner has not filed appropriate documents, death certificates and legal heirs certificates, they rejected the petitioner's claim.



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6. In view of the above fact, without going into the merits of the claim made by the petitioner, the petitioner is directed to make a fresh representation along with all the documents as sought for by the respondents before the third respondent. On such production, the third respondent shall consider the same and pass appropriate orders on the representation of the petitioner, on merits and in accordance with law, after giving notice to the interested parties, if any, within a period of twelve weeks from the date of receipt of such representation.

7. With the above directions, this writ petition stands disposed of. No costs.

08.01.2024

Index : Yes/No

Internet : Yes/No

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55, Gangaikondan (Part-I) Village,
Tirunelveli District.
5. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.



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V.BHAVANI SUBBAROYAN, J.

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