



W.P(MD)No.163 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.02.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition(MD)No.163 of 2024

and

W.M.P(MD)No.183 of 2024

1.Arockiyasamy

2.A.Adaikalamary

.. Petitioners

Vs

1.The District Collector,
District Collectorate,
Tiruchirappalli District,
Tiruchirappalli – 620 001.

2.The District Revenue Officer,
Tiruchirappalli District,
Tiruchirappalli – 620 001.

3.The Revenue Divisional Officer,
Divisional Office,
Paramasivapuram,
Lalgudi Taluk,
Tiruchirappalli District – 621 601.

4.The Tahsildar,
Lalgudi Taluk Office, Lalgudi,
Tiruchirappalli District – 621 601.

5.Savariyanantham

6.Rayappan

7.Sabasthiyan

..Respondents



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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 records pertaining to the impugned proceeding in Na.Ka.A1/1620/2022 dated 25.01.2023 passed by the fourth respondent and consequential order passed by the third Respondent vide his proceeding dated 06.10.2023 in Muu.Mu.A3-1097-2023 and quash the same as illegal and consequently, direct the Respondents Nos.1 to 4 to consider the petitioner's claim for rectifying errors in Patta No.10156 and change the patta in their names in respect of their property comprising in Survey No.59/2A to an extent of 0.04.5 Ares (11 1/2 Cents) situated at Puthur, Uthamanur Village, Lalgudi Taluk, Tiruchirappalli District.

For Petitioners : Mr.C.Abul Kalam Azad

For Respondents : Mr.D.Gandhi Raj
Spl. Govt. Pleader (for R1 to R4)

No appearance for R5 to R7

ORDER

This writ petition is filed seeking for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned proceedings in Na.Ka.A1/1620/2022 dated 25.01.2023 passed by the fourth respondent and consequential order passed by the third Respondent vide his proceedings dated 06.10.2023 in Muu.Mu.A3-1097-2023 and quash the same as illegal and



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consequently, direct the Respondents Nos.1 to 4 to consider the petitioners' claim for rectifying errors in Patta No.10156 and change the patta in their name in respect of their property comprising in Survey No.59/2A to an extent of 0.04.5 Ares (11 ½ Cents) situated at Puthur, Uthamanur Village, Lalgudi Taluk, Tiruchirappalli District.

2. The case of the petitioner is that the subject matter property originally belonged to the petitioners' father Adaikalam S/o Yasadiyan and the authorities have issued separate patta in Patta No.16 to his name vide Patta Pass Book No. 308559. His father died on 08.08.2003 leaving the first petitioner and his brother Anthonysamy. Thereafter, the petitioner and his brother are in possession and enjoyment of the same. While so, the revenue authorities wrongly included the name of the respondents 5 to 7 in the computer patta under Patta No.10156 in respect of the subject matter property. Hence, the first petitioner has approached the fourth respondent/Tahsildar to rectify the said mistake. However, the fourth respondent, without considering the documents, simply rejected the petitioners' claim vide proceedings dated 06.09.2021. Hence, the petitioners have preferred an appeal before the third respondent. However, the third respondent also without considering the relevant documents and the mistake committed by the revenue authorities, erroneously rejected the



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petitioners' appeal vide impugned order dated 06.10.2023. Challenging the same, the present writ petition is filed.

3. The learned counsel appearing for the petitioners would submit that the respondents 5 to 7 are in no way connected to the petitioners' property. As per the Patta Pass Book No.308559, the first petitioner's father Adaikalam only had rights vide separate patta. 'A' Register also proves his separate possession and enjoyment. However, the revenue authorities, without conducting proper enquiry and without verifying the revenue records, mechanically created the online patta in respect of the petitioners' property. Hence, it has to be rectified. He would further submit that by virtue of the impugned order, the respondents 5 to 7 are attempting to trespass in the petitioners' property. Hence, the petitioners gave a representation dated 18.12.2023 to the respondents 1 and 2 requesting them to remove such wrong entries and change the patta in the petitioners' name.

4. The learned Special Government Pleader appearing for the respondents 1 to 4 would submit that the fourth respondent has passed the order based on the reports of the Revenue Inspector, Lalgudi and the Village Administrative Officer, Puthur, Uthamanur Village, wherein, they have stated that the



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respondents 5 to 7 are having joint possession with the petitioners. By accepting the same, the third respondent has also passed the present impugned order. On instructions, the learned Special Government Pleader would submit that the petitioners have not produced any document to prove their claim and hence, the petitioners' appeal is also dismissed.

5. At the time of arguments, the learned counsel for the petitioners has produced original Patta Pass Book No.308559 before this Court, wherein, it has been clearly mentioned that the subject property belonged to the first petitioner's father Adaikalam, however, in the computer patta, it has been changed. In the impugned order, it has been stated that one Arokkiyasamy S/o Sebasthian is in possession and enjoyment of the subject property for the past 20 years by putting cows. It is the duty of the revenue officials to conduct proper enquiry to find out the fact that whether the petitioners alone are in possession and enjoyment of the subject property or whether the respondents 5 to 7, namely, Savariyanantham, Rayappan and Sebasthiyan are entitled to the share in the subject property, since the petitioners have produced original patta to prove his claim.



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6. In view of the above, this Court is of the view that the second respondent/District Revenue Officer, is the competent authority to pass orders on the representation of the petitioners dated 18.12.2023. Accordingly, without going into the merits of the claim made by the petitioners in this Writ Petition, the second respondent/District Revenue Officer, is directed to conduct proper enquiry to find out that whether the petitioners alone are in possession and enjoyment of the subject property or whether the respondents 5 to 7, namely, Savariyanantham, Rayappan and Sebasthiyan are entitled to the share in the subject property by looking into all the documents and thereafter, pass appropriate orders on the representation of the petitioners, dated 18.12.2023, on merits and in accordance with law, after giving notice to the interested parties, if any. The said exercise shall be completed within a period of sixteen weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

02.02.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes
skn



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V.BHAVANI SUBBAROYAN, J.

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