



W.P(MD)No.1959 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.02.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition(MD)No.1959 of 2024

M.Kasimayan

..Petitioner

Vs

1.The Revenue Divisional Officer,
Usilampatti,
Madurai District.

2.The Tahsildar,
Usilampatti,
Madurai District.

3.Chellapandi
4.Arunpandi

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records pertaining to the impugned order dated 30.11.2023 passed by the first respondent vide proceedings in Pa.Mu.4634/2023/A4 and quash the same as illegal.

For Petitioner : Mr.C.Senthil Murugan

For Respondents : Mr.D.Gandhi Raj
Spl. Govt. Pleader (for R1 and R2)



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ORDER

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2. The learned counsel for the petitioner would submit that the subject matter property originally belonged to the petitioner's grandmother Gandhiammal. On 06.01.2016, she died leaving the petitioner's father Muthumayan, Peiyathaver and Nagammal as legal heirs. The said legal heirs have submitted an application to get legal heirship certificate and the same is pending. While so, the third respondent obtained patta in his name. The third respondent is the son-in-law of the petitioner's grand-mother. Since the petitioner's grandmother died intestate, the respondents 1 and 2 have to mutate the revenue records in favour of all the legal heirs, however, the second respondent issued patta in the name of the third respondent, which is illegal. Hence, the petitioner has filed an appeal before the first respondent and the same was considered by the first respondent, however, has rejected the petitioner's plea. Challenging the same, the present writ petition.



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3. It is seen that after enquiry, the first respondent found that one Kasimayan, who is one of the legal heirs of the Gandhiammal, has been enjoying the subject-matter property, however, patta stands in the name of one Chellapandi, who is also one of the legal heirs of the said Gandhiammal. Initially, as per ' A' Register, patta stands in the name of one Pandi, S/o veerاناتhevar. Now, the petitioner is residing in the subject matter property by constructing a house. Hence, the first respondent directed the parties to approach the competent civil Court. Further, in the impugned order, the first respondent has clearly stated that if anybody aggrieved by the impugned order, they are advised to approach the appellate authority, viz., the District Revenue Officer. Therefore, this Court is not inclined to entertain this writ petition.

4. Hence, this writ petition fails and the same stands dismissed. It is left open to the parties to approach the competent civil Court to establish their rights. No costs. Consequently, connected miscellaneous petition is dismissed.

01.02.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes
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V.BHAVANI SUBBAROYAN, J.

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