



W.P.(MD)No.2252 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD)No.2252 of 2024

and

W.M.P(MD)Nos.2258 and 2260 of 2024

A.Muthulakshmi

... Petitioner

Vs.

1.The District Revenue Officer/District Additional Magistrate,
O/o. District Revenue Office,
Tuticorin District.

2.The Revenue Divisional Officer,
O/o.Revenue Divisional Office,
Tiruchendur Taluk,
Tuticorin District.

3.The Tahsildar,
Eral Taluk,
Tuticorin District.

4.R.Chandrasekaran

5.Selvasekaran

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for
issuance of Writ of Certiorarified Mandamus, calling for the records relating to



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the impugned proceedings in Na.Ka.D6/508663/2023, dated 24.07.2023 on the file of the District Revenue Officer and District Additional Magistrate, Tuticorin District, the first respondent herein quash the same and consequently, consider the case of the petitioner based on the documents of the respective parties in respect of the property situated in S.No.231/2, Angamangalam Village, Eral Taluk, Tuticorin District to an extent of 23 cents out of 1 acre 55 cents.

For Petitioner : Mr.R.Murugan

For R1 to R3 : Mr.A.Kannan
Additional Government Pleader

For R4 & R5 : Mr.S.Poornachandran

ORDER

This writ petition has been filed challenging the order passed by the first respondent, dated 24.07.2023 and direct the respondents to consider the case of the petitioner based on the documents of the respective parties in respect of the property in S.No.231/2, Angamangalam Village, Eral Taluk, Tuticorin District to an extent of 23 cents out of 1 acre 55 cents.

2. The petitioner's father, namely, Late.Mayandi Thevar, purchased the property in S.No.231 to an extent of 23 cents under registered sale deed, dated 03.11.1982. Later, the petitioner found that the aforesaid property was included



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in S.No.231/2 at Angamangalam Village, Eral Taluk, Tuticorin District and

patta in Patta No.481 was issued in the name of one Maharajan, during UDR scheme. In very same survey number, Patta No.1149 was transferred in the name of J.Edward and subsequently, the name of J.Edward was removed and for the very same patta number, the names of Chandrasekaran and Selvasekaran sons of Ramasamy Nadar were included. According to the petitioner, the aforesaid entries were made based on the wrong entry made in the name of Maharajan during UDR proceedings. The petitioner states that the boundaries and extent mentioned in her sale deed, dated 03.11.1982 tally with the FMB sketch and therefore, the entries made during the UDR proceedings and the issuance of patta in the names of the aforesaid persons was illegal. The petitioner therefore gave a detailed representation to the first respondent on 21.03.2024 to cancel the patta granted illegally in the names of Maharajan, J.Edward and Chandrasekaran. Having received the representation, the first respondent did not take any action. Therefore, the petitioner filed a writ petition in W.P(MD)No.29684 of 2022 and this Court vide order dated 03.11.2022 directed the first respondent therein to dispose of the petitioner's representation, dated 21.03.2022, within a period of 12 weeks from the date of receipt of a copy of the order. In pursuance of the order passed by this Court, the respondents



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vide impugned proceedings rejected the petitioner's representation for cancellation of patta issued in the names of the aforesaid persons.

3. Aggrieved by the same, the petitioner has filed the above writ petition for the aforesaid relief.

4. The learned counsel for the petitioner submitted that the impugned order deserved to be set aside as the respondents failed to appreciate the case in proper perspective. The learned counsel for the petitioner further submitted that the first respondent having found that the petitioner had not established her title and right over the property in S.No.231/2, ought to have relegated the petitioner to the Civil Court instead of outright rejecting her claim.

5. The learned Government Advocate for the respondents 1 to 3 submitted that the petitioner having failed to establish her right to S.No.231/2 on the basis of the documents, the first respondent rightly rejected the petitioner's representation for cancellation of patta. He further submitted that the petitioner was at liberty to establish her title before the Civil Court and therefore, the impugned order cannot be faulted.



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6. Heard both sides and perused the materials placed on record.

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7. It is seen that the first respondent based on the materials placed before him found that the boundaries given in the petitioner's documents did not tally on ground and therefore, found that the petitioner was bound to establish her title before seeking cancellation of patta. As the question is a disputed question of fact, the petitioner has to approach the Civil Court and establish her right title to the lands as per her sale deed. I therefore find absolutely no infirmity or illegality in the order passed by the first respondent and therefore, the order passed by the first respondent is confirmed.

8. Accordingly, the writ petition stands dismissed with liberty to the petitioner to establish her title before the competent Civil Court, if so advised. No costs. Consequently, connected miscellaneous petitions are closed.

13.11.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
SN

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N.MALA, J.

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