



W.P(MD)No.5283 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5283 of 2024

and

W.M.P.(MD)No.5067 of 2024

P.Sudalaimani

... Petitioner

Vs.

1.The District Revenue Officer
Cum Revisional Authority,
Tirunelveli District.

2.The Sub-Collector,
Cheranmahadevi,
Tirunelveli – 01.

3.The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.

4.Muppidathi Thevar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1st respondent made in Pa.Mu.Ka.2/3960/2019 dated 28.12.2023 and quash the same and consequently,



W.P(MD)No.5283 of 2024

direct the respondents to restore the patta No.1524 in respect of the property comprised in Survey No.48/1, Kumbikulam Village, Radhapuram Taluk, Tirunelveli District.

For Petitioner : Mr.S.Vinayak

For Respondents : Mr.K.S.Selvaganesan,
Addl. Government Pleader for R1 to R3.

ORDER

Heard the learned counsel for the writ petitioner and the learned Additional Government Pleader for the official respondents.

2.Patta was standing in the name of the writ petitioner. It was questioned by the fourth respondent. The fourth respondent moved the Sub Collector, Cheranmahadevi and an order was passed for restoring the name of one Alagumuthu Konar. Challenging the same, the petitioner filed revision before the District Revenue Officer, Tirunelveli. The District Revenue Officer vide order dated 28.12.2023 confirmed the order passed by the Sub Collector, Cheranmahadevi. Challenging the same, the present writ petition came to be filed.



W.P(MD)No.5283 of 2024

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3.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned order and grant relief as prayed for.

4.No doubt some interesting technical contentions were raised by the learned counsel for the petitioner. However, I wanted the learned counsel for the petitioner to point out if the petitioner's predecessor in title had patta in their favour. The petitioner purchased the property from one Ramasamy Konar in the year 2013. The Ramasamy Konar in turn had purchased the property from one Ganapathy Thevar in the year 1969. The said Ganapathy Thevar purchased the property from one Kalyani Thevar in the year 1919. None of their names ever appeared in the revenue record at any point of time. I wanted to know if in the settlement register or in the UDR, their names appeared. The answer is in the negative. The name of one Alagumuthu Konar alone was entered during UDR. The impugned orders merely restored the name of Alagumuthu Konar. In exercise of writ jurisdiction, I do not want to interfere in the matter. Liberty is given to the petitioner to move the jurisdictional Civil Court for establishing his rights. If the petitioner succeeds before the Civil Court, the revenue record will be mutated on that basis.



W.P(MD)No.5283 of 2024

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5. With this liberty to the petitioner and direction to the authorities, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

06.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:

1. The District Revenue Officer
Cum Revisional Authority,
Tirunelveli District.
2. The Sub-Collector,
Cheranmahadevi,
Tirunelveli – 01.
3. The Tahsildar,
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W.P(MD)No.5283 of 2024



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W.P(MD)No.5283 of 2024

G.R.SWAMINATHAN, J.

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W.P(MD)No.5283 of 2024

06.03.2024