



W.P(MD)No.6413 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6413 of 2024

and

W.M.P(MD)No.6004 of 2024

M.Sumathi

... Petitioner

Vs.

1.The District Collector,
Pudukkottai,
Pudukkottai District.

2.The District Revenue Officer,
Pudukkottai,
Pudukkottai District.

3.The Revenue Divisional Officer,
Aranthangi,
Pudukkottai District.

4.The Tahsildar,
Avudaiyarkovil Taluk,
Pudukkottai District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the fourth respondent in Na.Ka.No.A1/5708/2023 dated 15.02.2024 and quash the same and



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consequently direct the fourth respondent to restore the patta in the name of the petitioner's vendor's vendor Rajagopala Baththar and thereafter mutate the patta in her name to the land in Survey No.125/3 to the extent of one Acre situated at Alathur Village, Avudaiyarakovil Taluk, Pudukkottai District.

For Petitioner : Mr.V.Manikandan
For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard both sides.

2.The case on hand is akin to that of the petitioner in W.P(MD)No. 6386 of 2024 (R.Ananthi Vs The District Collector, Pudukottai & Others) dated 15.04.2024. The said order reads as follows:

“Heard both sides.

2.The petitioner challenges the order dated 14.02.2024 passed by the Tahsildar, Avudaiyarkoil declining to grant patta in favor of the petitioner. The learned counsel appearing for the petitioner apart from reiterating the contentions set out in the affidavit filed in support of this writ petition, pointed out that the case on hand is squarely covered by the earlier order passed by this Court in WP(MD)No.25557 of 2018. He called upon



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this Court to set aside the impugned order and grant the relief as prayed for.

3.The fourth respondent herein has filed counter affidavit and the learned Special Government Pleader took me through its contents and called upon this Court to dismiss this writ petition.

4.I carefully considered the rival contentions and went through the materials on record. One Gunasundari filed WP(MD)No.25557 of 2018 challenging deletion of her name from the revenue records and questioning the classification of the land as government poramboke. The said Gunasundari had purchased the property from one Villayutham on 13.08.1999. The said Villayutham was assigned the land on 14.04.1975. The government took the stand that the assignment was cancelled on 12.08.1987 itself. I called upon the officials to produce the relevant files. I wanted to know whether before cancelling the assignment, he was put on notice. Even though documents were given, the relevant files could not be produced. I expressed my wonder as to how in the absence of the records, an averment came to be made about the cancellation of the assignment. In that view of the matter, I set aside the deletion of the petitioner's name in the revenue records. Aggrieved by the same, the District Administration filed Review Application (MD)No.76 of 2019. Both the orders were challenged in WA(MD)Nos. 1201 & 1588 of 2021. The writ appeals



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were dismissed on 08.07.2022. Challenging the same, SLP (Civil) Diary No.31156 of 2023 was also filed. The Hon'ble Supreme Court dismissed the SLP on 26.09.2023.

5.The learned counsel for the petitioner drew my attention to the proceedings dated 12.08.1987 whereby a number of assignments were cancelled. Villayutham figured at Serial No.107. The petitioner stands on a better footing compared to Gunasundari. Gunasundari was not the original assignee. The petitioner's father in law Kuppusami Thevar was the original assignee. Kuppusami Thevar's son R.K.Ramu/the petitioner's husband passed away and that is how, the petitioner stepped into his shoes. I had given relief in favour of the purchaser from the assignee. Then obviously the assignee's successor-in-interest cannot be denied relief.

6.At this stage, the learned Special Government Pleader appearing for the respondents submitted that there is some dispute regarding the petitioner's entitlement. It is contended that Kuppusamithevar's wife Poomayil had executed an unregistered Will in favour of the petitioner's husband. I need not go into that aspect. I direct the respondents to restore the name of the petitioner's father in law Kuppusamithevar in respect of the petition mentioned land within a period of four weeks from the date of receipt of copy of this order. It is for the petitioner to work out her rights in the manner known to



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law to enter her name in the revenue records.

7.This writ petition is allowed accordingly. No costs. Connected miscellaneous petition is closed. ”

In the present case also the petitioner does not have any registered sale deed in her favour. She however traces title to Rajagopala Baththar, original assignee.

3.I therefore direct the respondents to restore the name of Rajagopala Baththar in respect of the petition mentioned land within a period of four weeks from the date of receipt of a copy of this order. It is for the petitioner to workout her rights in the manner known to law to enter the name in the revenue records.

4.This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA



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G.R.SWAMINATHAN,J.

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