



W.P(MD)No.8197 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8197 of 2024

and

W.M.P.(MD)No.7395 of 2024

1.R.Thangamani

2.R.Vaishnavi Devi

3.R.Vishnu Priya

4.R.Vijaya Lakshmi

5.R.Venkatramanan

... Petitioners

Vs.

1.The District Revenue Officer,
Madurai.

2.The Revenue Divisional Officer,
Kappalur,
Madurai.

3.The Tahsildar,
Madurai South,
Madurai.

4.S.Povunthai

5.P.Satheeswari

6.S.Gandhi



W.P(MD)No.8197 of 2024

7.R.Maheswari

8.R.Manimegalai

... 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 relating to the impugned order passed by the 1st respondent in his proceedings in Ni.Mu.No.G2/31704/2016 dated 22.12.2023 conforming the order passed by the 2nd respondent in his proceedings in Ni.Mu.No.4517/2014/N dated 01.06.2015 and quash the same as illegal.

For Petitioners : Mr.V.P.Rajan

For Respondents : Mr.K.Balasubramani
Special Government Pleader for R1 to R3

: Mr.V.Kalichamy for R8

: no appearance for R4 to R7

ORDER

Heard the learned counsel for the petitioners and the learned Special Government Pleader for R1 to R3 and the learned counsel for R8. The respondents 4 to 7 have been served and their names are printed in the cause list. But they have not chosen to enter appearance before this Court.

2. It is seen that patta in respect of the petition mentioned land was transferred in favour of Muniyammal who is none other than the mother of



W.P(MD)No.8197 of 2024

Rajendran. Earlier, the properties were owned by Deivanaiammal.

Deivanaiammal had sold the properties to Muniyammal vide sale deeds dated 03.07.1958 (Document No.2303 /1958) and dated 09.01.1962 (Document No. 118 of 1962). Muniyammal died and thereafter patta was mutated in favour of Rajendran. While so, Deivanaiammal submitted petition before the RDO, Kappalur alleging that mutation was wrongly made. Rajendran by then had passed away. The first petitioner is his wife and the other petitioners are their children. They are settled in Chennai. They were not aware of filing of the petition by Deivanaiammal before the RDO Kappalur. The respondents proceeded on the premise that the petitioners have received their notices and they have not chosen to oppose the prayer made by Deivanaiammal. Setting them exparte, the RDO, Kappalur passed an order in favour of Deivanaiammal for mutation of pata in her favour. This order was complied with by the Tahsildar, Thiruparankundram. Upon coming to know the same, the first petitioner herein moved the DRO. The DRO called for report from the RDO. The RDO submitted a detailed report stating that the earlier direction was incorrectly given and that the revenue record should reflect the name of Rajendran or his legal heirs alone. Even though the RDO had passed such an order, the DRO chose to relegate the parties to pursue remedy in the civil Court. I will not fault the DRO, Madurai for having passed an order. The



W.P(MD)No.8197 of 2024

Commissioner of Land Administration had earlier issued a circular stating that if the civil suits are pending in respect of a given property, the revenue authority must not interfere in the matter. In fact, the said circular is in consonance with the usual direction given by this Court. But then, this Court cannot adopt the very same approach. It has been convincingly shown before me that Deivanaiammal had sold the properties and only based on the sale, mutation was made. Mutation was first made in favour of Muniyammal and thereafter, in favour of his son Rajendran. Rajendran is no more. Therefore, the revenue record should be mutated in favour of the petitioners herein. In these circumstances, the very petition submitted by Deivanaiammal was without any basis. Even going by the reasons set out in the impugned order, the civil suit is pending since 2014. If the approach now set out in the impugned order had been always adopted, in the year 2015, the RDO could not have passed an order in favour of Deivanaiammal. Looked at from any angle, the impugned order cannot be sustained. It is set aside. The revenue record shall reflect the petitioners' names. The names of R4 to R7 shall be deleted.

3. The learned Special Government Pleader informs the Court that after the demise of Rajendran, the names of the petitioners have been included and that the names of R4 to R7 had been deleted. If that be so, no further action



W.P(MD)No.8197 of 2024

need be taken by R3. I make it clear once again that subject to the outcome of the civil suits, the revenue record shall reflect the names of the petitioners alone in respect of the petition mentioned property.

4. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

07.06.2024

Index : Yes / No
Internet : Yes/ No
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To

- 1.The District Revenue Officer,
Madurai.
- 2.The Revenue Divisional Officer,
Kappalur,
Madurai.
- 3.The Tahsildar,
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W.P(MD)No.8197 of 2024

G.R.SWAMINATHAN, J.

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W.P(MD)No.8197 of 2024

07.06.2024