



W.P(MD)No.9657 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.9657 of 2021

and

W.M.P(MD)No.7404 of 2021

Rathinasamy

: Petitioner

Vs.

1.The Revenue Divisional Officer,
Uthamapalayam, Theni District.

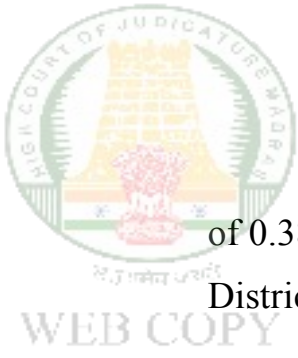
2.The Tahsildar,
Land Dispute Tribunal Officer,
Uthamapalayam Taluk, Theni District.

3.Suruliammal

4.Muthukumar @ Muthukalyani

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent in Na.ka.No.A2/1170/2021, dated 16.02.2021 and quash the same and consequently, direct the respondents to restore the patta issued in favour of the petitioner in Survey No.63/6A with an extent



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of 0.38.0 ares situated at Alagapuri Village, Uthamapalayam Taluk, Theni District.

For Petitioner : Mr.B.Vijay Karthikeyan
For Respondents : Mr.V.Om Prakash,
Government Advocate, for R1 and R2
: Mr.M.Mohamed Sherbudeen, for R3
: Mr.N.Shanmuga Selvam, for R4.

ORDER

The Writ Petition is directed against the order passed by the second respondent, dated 16.02.2021 cancelling the patta transfer order and restoring the patta in the name of one Mariappan, father of the petitioner and husband of the third respondent.

2. The learned counsel appearing for the writ petitioner would submit that there was a partition between petitioner and the private respondents; that some of the properties which were allotted to the fourth respondent were sold by him; that the properties standing in the name of the petitioner was given joint patta along with his father, that the second respondent, at the instance of the third respondent, without notice to the



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petitioner, has passed the impugned order and on that basis, patta was restored in the name of the petitioner's father.

3. It is not in dispute that the petitioner has filed the suit in O.S.No.86 of 2022 and the same is pending, challenging the alleged Will executed by the deceased Mariappan.

4. The learned counsel for the respondents 3 and 4 would submit that the deceased Mariappan has executed a Will in favour of the third respondent and only on that basis, patta was ordered to be transferred. The second respondent, by rightly directing both the parties to approach the civil Court and to redress their grievances, has cancelled the earlier order and restored the patta in the name of the said Mariappan.

5. Considering the facts and circumstances of the case, the impugned order passed by the second respondent cannot be found fault with. The parties are at liberty to canvass their case in the suit pending in in O.S.No.86 of 2022 on the file of the District Munsif Court, Uthamapalayam.



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6. With the above direction, the Writ Petition is disposed of.

Consequently, connected Miscellaneous Petition is closed. No costs.

05.04.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
das

To

- 1.The Revenue Divisional Officer,
Uthamapalayam, Theni District.
- 2.The Tahsildar,
Land Dispute Tribunal Officer,
Uthamapalayam Taluk, Theni District.



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K.MURALI SHANKAR, J

DAS

Order made in
W.P(MD)No.9657 of 2021
and
W.M.P(MD)No.7404 of 2021

Dated : 05.04.2024