



W.P(MD)No.9914 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9914 of 2020

and

W.M.P.(MD)Nos.8873 and 8874 of 2020

S.Mohan Vadivel

... Petitioner

Vs.

1.The Sub Collector,
Office of the Revenue Divisional Officer,
Ramanathapuram.

2.The Tahsildar,
Keelakarai Taluk,
Ramanathapuram District.

3.The Zonal Deputy Tahsildar,
Keelakarai Taluk,
Ramanathapuram District.

4.Shanthi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned order dated 29/06/2020 in Moo.Mu.A1/6011/2016 passed by the first respondent and quash the same.



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For Petitioner : Mr.J.Barathan

For Respondents : Mr.K.S.Selvaganeshan,
Addl. Government Pleader for R1 to R3.
Mr.S.Ramesh for R4.

ORDER

Heard both sides.

2.The case on hand pertains to 13.50 ares of lands in S.No.46/7, Periyapattinam revenue village, Keelakarai Taluk, Ramananthapuram District. The computer patta originally reflected the name of one Rathinam. Thereafter, it was mutated to one Kanagaraj, subsequent purchaser. Kanagaraj purchased the property vide sale deed dated 29.07.2016. Subsequently, the said Kanagaraj sold the property in favour of the writ petitioner on 21.02.2018. Thereafter, patta transfer was made in favour of the petitioner on 30.04.2018. At this stage, the mother of the fourth respondent lodged a complaint before the Sub-Collector, Ramanathapuram complaining that the revenue record should reflect her name. Enquiry was conducted. Vide order dated 29.06.2020, the Sub-Collector, Ramanathapuram directed restoration of the name of the fourth respondent's mother and cancellation of the subsequently issued pattas. Challenging the same, the present writ petition came to be filed.



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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. His first and foremost contention is that the impugned order has to be set aside on the ground of violation of principles of natural justice. He pointed out that the mother of the fourth respondent submitted petition on 06.10.2016. The impugned order came to be passed on 29.06.2020. In the meanwhile, not only the petitioner had purchased the petition mentioned property but also patta transfer order was also made in his favour on 30.04.2018. Therefore, the petitioner was a necessary party and he ought to have been put on notice. The learned counsel also added that since contentions aspects are involved, the first respondent ought to have relegated the mother of the fourth respondent to go before the jurisdictional Civil Court. He also added that the property originally stood in the name of one Akkani Servai. He is said to have purchased the property vide two registered sale deeds (19.07.1935 and 21.10.1943). Akkani Servai had a son by name Rathinam. The legal heirs of Rathinam sold the property in favour of Kanagaraj on 29.07.2016 from whom, the petitioner purchased the property on 21.02.2018. It is beyond dispute that patta stood in the name of Rathinam and subsequently, mutation was made in favour of Kanagaraj and thereafter, mutation was made in favour of the writ petitioner. Therefore, the learned



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counsel for the petitioner submitted that the impugned order should be set aside and his name should be restored in the revenue record. In the alternative, the learned counsel for the petitioner even doubted the very genuineness of the impugned order. He alleged that after adjourning the proceedings to 07.07.2020, the impugned order was passed on 29.06.2020 itself. For the aforesaid reasons, the learned counsel wanted this Court to set aside the impugned order and grant relief as prayed for.

4.Per contra, the learned Additional Government Pleader and the leaned counsel for the fourth respondent submitted that the impugned order does not warrant interference. They pressed for dismissal of the writ petition.

5.I carefully considered the rival contentions and went through the materials on record. Let me first deal with the contentions of the petitioner's counsel that the impugned order has to be set aside on the ground of violation of principles of natural justice.

6.As already noted, the mother of the fourth respondent namely, Lakshmi, W/o.Ramachandran submitted petition before the Sub-Collector,



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Ramanathapuram on 06.10.2016. During the relevant time, Kanagaraj was the incumbent pattadar. He was rightly shown as respondent. During the pendency of the proceedings, the alienation in favour of the petitioner took place. Lakshmi passed away and the fourth respondent came on record on 02.01.2019. Enquiry was held on 04.06.2019 and 16.06.2020. But it is seen that from the references cited in the impugned order that Kanagaraj was also served and he had entered appearance on 27.10.2016 itself. Kanagaraj ought to have informed the petitioner about the pendency of patta proceedings and the petitioner should have got impleaded in the said proceedings.

7.Be that as it may, I decided to go into the issue on merits. The concerned revenue official is present in person and he produced the “A” register for the village in question which was prepared on the basis of UDR. It is seen therefrom that the “A” register reflects the name சௌ. Ramachandran who is none other than the father of the fourth respondent. In the impugned order, it has been mentioned that patta stood originally in the name of சௌ. Ramachandran and subsequently, it was mutated in favour of Lakshmi, the mother of the fourth respondent. It is further stated that without notice to Lakshmi, patta was mutated in favour of Rathinam. There is a well known maxim “what is sauce for goose is sauce for the gander”. If according to the petitioner, the impugned



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order is violative of the principles of natural justice and that it should be set aside, applying the very same yardstick, mutation of revenue record in favour of Rathinam without notice to the mother of the fourth respondent namely Lakshmi is equally a nullity.

8.If according to the petitioner, the UDR entry itself was an error, it is for the petitioner to move the jurisdictional District Revenue Officer for appropriate relief.

9.Granted such liberty to the writ petitioner, I decline to interfere with the impugned order. The writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

09.01.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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