



W.P(MD)No.12908 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12908 of 2020

and

W.M.P.(MD)Nos.10906 & 10909 of 2020

K.Ayyanar

... Petitioner

Vs.

1.The Tahsildar,
Kayathar Taluk Office,
Tuticorin District.

2.The Revenue Divisional Officer,
Kovilpatti, Tuticorin District.

3.Santhi

4.Nagalakshmi

... 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 relating to Patta No.4041 dated 01.09.2020 issued by the 1st Respondent and quash the same and consequently direct the 1st and 2nd repondents to restore the earlier Patta in Patta No.245 by deleting the names of the 3rd and 4th Respondents in the New Patta No.4041 dated 01.09.2020.



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For Petitioner : Mr.N.Sankar Ganesh

For Respondents : Mr.K.S.Selva Ganesh
Additional Government Pleader for R1 & R2

: Mr.C.M.Arumugam for R3 & R4

ORDER

Heard both sides.

2. Patta in respect of the petition mentioned lands stood in the name of four sons of Krishna Mooppanar. The jurisdictional Tahsildar had subsequently added the names of the female legal heirs of the deceased Krishna Mooppanar. That is put to challenge in this writ petition. It is not in dispute that the property originally stood only in the name of Krishna Mooppanar.

3. The petitioner's counsel would claim that the property was allotted to the share of the male legal heirs and that the female legal heirs were allotted the houses. I do not want to go into this issue. The only reason why I am interfering is that before adding the female legal heirs, the petitioner was not put on notice. It is on this ground, the impugned patta is set aside and the matter is remitted to the file of the second respondent. The second respondent is directed to conduct enquiry and decide the issue. This direction is given to the second respondent because the jurisdictional Tahsildar has already issued patta in favour of the male legal heirs in the year 2001. The Revenue



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Divisional Officer is the appellate authority and he can always revisit the issue.

The petitioner as well as R3 & R4 shall appear before the second respondent on 09.02.2023 at 03.00 pm. On the said date, the authorities will file their respective pleadings. The second respondent will thereafter issue notice to the other male legal heirs and other interested persons if any. After holding enquiry, final order shall be passed on merits and in accordance with law by the second respondent within a period of three months thereafter.

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

04.01.2024

Index : Yes / No

Internet : Yes/ No

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To

1.The Tahsildar,
Kayathar Taluk Office,
Tuticorin District.

2.The Revenue Divisional Officer,
Kovilpatti, Tuticorin District.



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G.R.SWAMINATHAN, J.

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